

**FIGHTING CRIME AND VIOLENCE IN THE DISTRICT
OF COLUMBIA: CAPITAL PUNISHMENT AS A
DETERRENT**

HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT OF
GOVERNMENT MANAGEMENT, RESTRUCTURING,
AND THE DISTRICT OF COLUMBIA

OF THE

COMMITTEE ON
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

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FIGHTING CRIME AND VIOLENCE IN THE DISTRICT OF COLUMBIA: CAPITAL PUNISHMENT AS A DETERRENT

WEDNESDAY, APRIL 30, 1997

U.S. SENATE,
OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING,
AND THE DISTRICT OF COLUMBIA SUBCOMMITTEE,
OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:06 p.m., in room SD-342, Dirksen Senate Office Building, Hon. Sam Brownback, Chairman of the Subcommittee, presiding.

Present: Senators Brownback, Lieberman, and Cleland.

OPENING STATEMENT OF SENATOR BROWNBAC

Senator BROWNBAC. We will go ahead and start this hearing. It is the fourth in our series of oversight hearings on how Congress can effectively work with the District of Columbia to help solve some of the major problems facing our Nation's city, Washington, DC.

I would like to start this hearing off, if I could, recognizing a terrible tragedy that has taken place in this city with the death of three police officers this year in the District of Columbia, which I hope causes us all to pause and to think just what has happened here, of what has occurred. We will hear testimony from Ms. Gibson, her husband of course involved in one of those tragedies earlier this year.

But I would hope we could just pause and reflect and think about these three officers killed in the line of duty. Officer Brian Gibson, survived by his wife, Tracie Gibson, who has joined us here today, with her two children, Brian Gibson, aged 14 months, and Ashley Gibson, aged 11 years old. Officer Oliver Wendell Smith, survived by his wife, Shandra Smith, and Oliver Wendell Smith, II, 5 years old. Officer Robert Johnson, Jr., survived by his wife Yvette, Robert Johnson, III, 4 years old, and Ryr Johnson, 5 months old. Of course, he was just killed over the weekend in a terrible incident that took place that I hope we will hear some more about.

I hope everybody in the crowd would be willing to join me in a moment of silence and, for people of faith, if they would join me in a moment of silent prayer for these three patriots of our country that have fallen in the line of duty.

[Pause.]

Senator BROWNBAC. Thank you.

This is perhaps the District's most serious problem—exceptionally high crime rate—that has cost hundreds of citizens their lives, the three police officers that we just recognized, two of which were people that were actually pursued by criminals that went after them to shoot them, and to do them harm, and to kill them. We have had a crime wave in this city that has affected thousands of residents and businesses, that have fled the city, further weakening the city's economy and financial well-being.

I have to tell you, on another personal note, that three of my staff members have been victimized, two of them burglarized and one a car broken into, during this past year in Washington, DC.

Now I do take heart in some of the impressive recent actions that happened by the Control Board and what they have stepped in with, and their partners in the Memorandum of Understanding that has occurred. Still, you look at the overall factual situation of crime in the District of Columbia since 1985, homicides have risen 169 percent, robberies up 50 percent, and auto theft by a staggering 500 percent.

I hope and pray we are at the Nation's high water mark for the amount of violent crime taking place in our country and in our Nation's capital because it hurts our citizens, and it hurts our schools, it hurts our communities unbelievably.

I am heartened by some of the initiatives undertaken by mayors like Mayor Guiliani of New York City. We are now seeing a recent example of very successful urban crime fighting that has proven results as Mr. Harlan noted in a recent op-ed piece, New York City has reduced major crime by 39 percent since 1993 and homicides have been cut in half.

There has been a successful implementation of the District partnership in a Memorandum of Understanding. There has been some immediate and decisive action that has happened in the District of Columbia which I am very pleased to see. They have targeted high crime neighborhoods, and put an additional 400 police officers on the streets. The results have been equally swift and decisive. March arrests are up 72 percent. Some measures indicate that crime rates are falling.

This is a good start, but much more needs to be done.

Today we will be looking at additional steps that can dramatically reduce the District's crime rate, including an increase in the penalties for committing crime—particularly crime towards police officers.

I have to pause once again. This is almost unimaginable to me, that people would go out and actually pursue police officers to do them harm, to kill police officers. What has happened in this society that we actually have that occurring—and in our Nation's capital. We have got to take decisive action to move forward on that. I hope the city does. We will be hearing from the city about that.

The first panel of witnesses have such a proposal in front of us, I wanted to have them here to speak to us on the Officer Brian Gibson District of Columbia Police Protection Act. We will also hear from other members of the City Council and from the Police Department. But I hope we pause and we thank the people that have served and we ask, What can we do now?

I would like to turn it over for an opening statement from Senator Lieberman, the ranking minority, who has an equal passion and care for what is happening here, as well. Senator Lieberman.

OPENING STATEMENT OF SENATOR LIEBERMAN

Senator LIEBERMAN. Thank you, Mr. Chairman, and thanks and congratulations to you on the leadership that you have shown through this Subcommittee in trying to focus the attention of the Senate and Congress more generally on the problems of the Nation's capital in a way that is constructive, that is open to new ideas in responding to these problems, and, most of all, that tries to build a sense of partnership with the people who live in and govern, and in this case, police our Nation's capital, to see if together we cannot make all of this better.

As you indicated, the numbers here on crime, except for the recent statistics, are not good. We all have an interest, those who live here permanently and those of us who live here part of the time, in seeing those numbers improve. From 1985 to 1996 homicides in the District rose 169 percent. Robbery increased by 50 percent. Assaults were up 39 percent, and motor vehicle theft skyrocketed by 490 percent.

Mr. Chairman, for too long residents of too many of the District's neighborhoods have lived in fear. And for too long, these residents have watched that crime rate rise, even as it has decreased in most of the Nation's other major cities. Something has happened to many people here in the District to cut them from the ties that bind most of the people of the District—and most of the people throughout the country—together in a sense of community and shared values.

To me nothing demonstrates this problem more than the disproportionate, devastating rate with which this city has watched its police officers targeted and senselessly murdered. Since late 1994, eight D.C. law enforcement officers have been slain. That is a number that is so riveting that the beginning of a response to it is just the moment of silent prayer that you called for, Mr. Chairman, and then the continuation has to be a collective cry to stop this from occurring.

To say the obvious—and maybe I am getting to a point where I am old-fashioned—but we must never lose the sense that we are all together in this, that the police officers are representing us, that every morning that a police officer puts on his uniform as Officer Gibson did, that officer is going out to represent us. He or she is protecting us.

The idea that someone would turn on them use to be unthinkable. But for too many people, the police officer has become them as against their “us.” The truth is, we are all together, and we have got to revive that fundamental sense that the laws are adopted to protect all of us, that police officers are sent out there every day to do a job for us. And when they are assaulted or murdered, it is as if we have been assaulted and part of us has been murdered.

That is why we cry out with the kind of anger that people in the District have, that those of us who live here have, live here as Members of Congress, and why I understand very well the feelings

that motivate Senator Hutchison in bringing this legislation before us today.

So we look forward to hearing her testimony, and I thank Ms. Gibson for her courage in honoring her husband's memory by coming forward and speaking to us from her heart and her own history and experience. I look forward to the witnesses who will discuss the recent Booz-Allen report, which made some very bold suggestions about how to improve law enforcement here in the District.

The recent statistics, as the Chairman indicated, have been encouraging. That is for a 5- or 6-week period most recently reviewed. Our hope and prayer is that we stick with this and we hang in there and that we, in Congress, give you as much support as we can to make this happen.

I note with some admiration the statement made by Senator Faircloth earlier in the week about his own willingness to support a significant increase in the compensation for District police officers, as a way not just to express our fair gratitude and express it with fair compensation, but also to hopefully build the kind of morale and the continuation of service here by officers, too many of whom have gone on to other police departments where the pay is higher.

This is an important afternoon for the District of Columbia. It is also very important for Congress. And because this is America's city, it is important for our whole country. So I look forward to the testimony and thank all of you who have taken time to be with us.

Thank you, Mr. Chairman.

Senator BROWNBACK. Thank you, Senator Lieberman. Senator Cleland.

OPENING STATEMENT OF SENATOR CLELAND

Senator CLELAND. Certainly, Mr. Chairman, thank you very much. I would like to make an opening statement.

It is a pleasure to be with you here. I am sorry it has to be on the subject of crime that has taken the toll of the lives of actual people. As someone who has worn the uniform in the military, I can say to you that it is not fun being a target. I think more and more of our law enforcement officers around the Nation feel that they are.

Ms. Gibson, we are delighted to see you here and maybe something positive can arise out of this tragedy. Senator Hutchison, nice to see you, and nice to be with all of you.

I have no magic answer for solving crime in the country or in D.C. I will say that, as a State Senator in my home State in the early 1970's, I supported the death penalty and still do. I support the death penalty for killing of police officers.

I think the question of crime is probably a lot deeper than that. I notice that with testimony that will be delivered to us later today, I do not want to steal anybody's thunder, but the Heritage Foundation indicates that between 1988 and 1992, one-fifth of all persons arrested for killing a police officer were on probation or parole at the time of the offense. So I think we have to look at our parole policies, and probation policies.

I also note that the recent *New York Times* article said that a group of criminologists at the University of Maryland reported to

Congress, after evaluating the effectiveness of various crime prevention programs, they found that many popular approaches to crime, including expanded prison construction, have had little impact in reducing crime, that most Federal programs have been undertaken with minimal evaluation.

It did indicate some promising results from programs such as intensified police patrols—which has been recommended by more than just that group, intensified police patrols in high crime areas; drug treatment programs in prisons; and early intervention on behalf of infants in troubled families.

I would just say, Mr. Chairman, there are some good testimony to be offered today before this Subcommittee. I have read some of it. We just appreciate you convening this group and this Subcommittee, so hopefully the actions that we take can mitigate crime not only in D.C. but around the country, and that hopefully we can find some links between criminal behavior and the killing of police officers that hopefully will save the lives of police officers in the future.

Thank you for your testimony today and we thank you for the time, Mr. Chairman. Thank you.

Senator BROWNBACK. Thank you, Senator Cleland. Senator Kay Bailey Hutchison, thank you for your interest in this topic, and the floor is yours.

**TESTIMONY OF THE HON. KAY BAILEY HUTCHISON,¹ A U.S.
SENATOR FROM THE STATE OF TEXAS**

Senator HUTCHISON. Thank you, Mr. Chairman. I want to thank you for calling this hearing because I think it is important that we do everything that we can to protect the police officers who put their lives on the line for all of us every day.

After the senseless tragedy in February that cost Officer Brian Gibson his life, I introduced this bill and named it in his honor, the "Officer Brian Gibson District of Columbia Police Protection Act." I introduced this bill because I believe it is of utmost urgency that we let the officers know that they are going to have every protection that we can give them.

Right now 38 States have the death penalty. Virginia has it. Maryland has it. The Capitol Police Corps has it. The only people in this entire area who do not have the protection of the death penalty for an assailant are the District of Columbia police officers. I do not think that is right. I think it is an inequity that must be changed.

I want to read to you, just briefly, the circumstances of the three police officers who have been killed since February of this year. Brian Gibson was in his patrol car in uniform. The killer had been bounced from a bar by an off-duty policeman. He walked up to Mr. Gibson's patrol car and shot him in the head in cold blood.

D.C. Officer Wendell Smith was killed at his home in Prince George's County, Maryland in February. He was in civilian clothes. His murderer was laying in wait and killed him as he got out of his car.

¹ The prepared statement of Senator Hutchison appears in the Appendix on page 47.

D.C. Officer Robert Johnson, who was killed just last Saturday, was waiting outside the police station with another officer after work. The officers identified themselves to the murderer as policemen. The murderer then attacked both of them, killing Mr. Johnson and injuring the other officer.

My point, Mr. Chairman, is that none of these three officers were killed in a crime of passion. These were premeditated murders of people because they were police officers. Now I think if you can ever make the argument that a death penalty is a deterrent, it is in a case where someone is assailed in cold blood just because he is a police officer. That is why I think it is so important that we look at this protection for our D.C. officers.

Now I think that the other point that we must make about this bill is that there is a disagreement about whether it should be Congress that does this. I talked to the Mayor of the District of Columbia and to Council Member Schwartz about this issue. They believe, as I would expect them to, that they should have the right to do this.

I agreed to step back. I want to go forward with the process so that I will not lose the ability to do this if the District does not act first. But I will give them the opportunity to act first. I am happy to do that.

But if they are not able to do it in the next couple of months, before they go out of session in the summer, I do believe it is our responsibility as Congress, as it was given to us specifically in the Constitution, to make sure that this city functions and that we have a safe city for the people who live here, and for all Americans. This is our capital city. It belongs to all of us. We fund part of it as well, and it is only a minor part of our responsibility that we would make sure that this city runs well.

That is why I am joining with others to increase the District officers' pay. I think that is another step that we must take. I questioned the Chief very closely about whether the officers have the bullet proof vests that they needed and whether they have the cars in operating condition. I think we have got to assure that they have all of the protections, including the death penalty for someone who would shoot them in cold blood, as the last three officers have been murdered.

So I am willing to work with the District in every way. I applaud the Mayor and Ms. Schwartz for coming forward and agreeing with me on the merits of this bill, though not agreeing that it should be Congress' prerogative. Nevertheless, I believe the buck stops with us.

So, if the District is not able to act, I think it is our responsibility to give these officers the protections that they so richly deserve. Furthermore, it will be in all of our best interest because public safety will be better if they do have those protections.

I truly believe, in my heart, that some of these officers would not have been killed if someone had known that they would face the death penalty. That is why I am going to pursue this from my heart.

Thank you, Mr. Chairman. I am most pleased that, since I have named this bill in honor of Officer Gibson, that his widow is with us today to also provide testimony for the record.

Just as a personal aside, I want to say that I watched this whole process after the killing of Officer Gibson, and I was moved by the dignity that Tracie Gibson showed. She was poignant in her grief, and I think that she has shown much courage and much commitment to be with us today to show her support so that no other woman or man in this city will ever have to face what she did.

Thank you, Mr. Chairman.

Senator BROWNBACK. Thank you very much, Senator Hutchison, and for your interest in this issue.

Ms. Gibson, I do not know if anybody could have introduced you any better than what Senator Hutchison did, nor think of you any higher. Thank you for your courage and your willingness to be here in front of us today. The floor is yours.

**TESTIMONY OF TRACIE GIBSON, WIDOW OF DISTRICT OF
COLUMBIA OFFICER BRIAN GIBSON**

Ms. GIBSON. I would first like to thank, from the family, Senator Kay Bailey Hutchison for introducing the bill in my husband's name. I would like to thank you.

My name is Tracie Gibson. On February 5, 1997, the date of my fourth wedding anniversary, will forever be etched in my mind as one of the worst days of my life and the life of my family and my friends. When my husband left for work on the evening of February 4, nothing could have prepared me for that dreadful awakening that I was to receive at 3 a.m. that morning.

My husband, Master Patrol Officer Brian Theodore Anderson Gibson, and I had laid out plans for our future and the future of our two daughters and our other plans for other kids. These plans will never be realized. My life and the life of my family members were traumatized to the extent that I doubt that we will ever be the same.

His parents were left without their son, his sister without her only brother, his daughters without their father, and me without my husband. My youngest child will never know the love that her father had for her. She will only know what we tell her about her dad. Our oldest daughter will continue special counseling until it is felt that she can again function day-to-day in a normal fashion.

Life is precious and each and every human is entitled to live his or her life to the extent that is granted by God. No human should be murdered the way that Brian was murdered. He was doing the job that he had dreamed of doing and he was an outstanding officer. He exhibited pride and honor in his chosen career.

My husband realized that his job was hazardous and dangerous. However, he was doing what he wanted to do in life. He was proud of the protection that he was providing to the citizens of this city. His family and friends were also very proud of him.

Any human found guilty of murder in the first degree must face the death penalty, especially if the murder caused the death of a public servant who is providing protection for the citizens of any municipality.

I cannot understand how citizens could feel that one public servant's life carries more importance than another public servant's life. Had my husband been a Federal officer murdered on the exact same street that Brian was murdered on, we would not be here

today asking that justice be done in that instance, and in two similar instances since Brian was murdered.

No one should feel that he or she can walk up to another human being, take his or her life, and feel that there is a possibility to walk the streets as a free person again. There is something that is not human about this current process.

A message must be sent that there is a price and a penalty to be paid when you take a person's life and that victims are indeed given consideration when preyed upon by criminals.

I thank you for offering me this opportunity and time to express some of my feelings as I attempt to go on from here with what is left in my life. Thank you.

Senator BROWNBACK. Thank you very much, Ms. Gibson.

Senator HUTCHISON, I have supported the death penalty in the most heinous of crimes and I certainly consider it to be applicable in this situation, where police officers would be stalked and hunted by others in this society. But I have to back up and just wonder, what is going on when over a period of 4 months in our Nation's capital, if the allegations are accurate and it certainly seems like the factual basis is very strong, three known police officers defending the rest of us were stalked and hunted down for representing the safety of the rest of us.

What is going on here that would cause that sort of mentality?

Senator HUTCHISON. I think that is what makes this the most heinous of crimes. You know, it is one thing when there is a shoot-out where there is a crime of passion. But these were cold-blooded, premeditated murders. I think that does make us pause, and I think it means that we must address the issue that someone would be so cavalier that they would, in a cold-blooded way, murder police officers because they are police officers.

I think that it means we have got to address that issue. And I think the fact that there is the death penalty in every other part of this area, and that only the D.C. police officers are in this situation, adds to the urgency that I have to make sure that they have the protection. You do not see this kind of statistic with the Capitol Police, who have this protection; or in the near areas of Virginia or Maryland. It is something that I think we must address and it is why I am pursuing this after the District has its opportunity.

I am going to go right up through the process, until we can go to the Senate floor, if this Subcommittee will vote out the bill. I do not want to lose my rights and my time, although I will defer to the District if they would like to move forward first. But I do not think we can leave these people hanging out there without their protection. It is not right and it is an abrogation of our responsibility.

Senator BROWNBACK. So you would like to see us vote this bill on forward and keep it moving forward in a timely fashion, even though you are willing to agree to some time frame for the District itself to decide? Have you articulated a time frame that you would like to see the District of Columbia act by?

Senator HUTCHISON. I believe if the District turns this bill down sometime between now and July, when they go on their summer recess, then I want to be able to act immediately to go forward on this bill. If they are still in the process right up until July 5 or July

6, or whenever they go out, and they have not acted at that time, then I want to pursue this bill with great urgency.

I do want to give them a reasonable amount of time, and they certainly have been on notice of what I wanted to do since February. I will give them that deference. But after that, I think our responsibility takes precedence. And it is our responsibility to assure that this city runs and I want to work with the city in every possible way.

But I think the fact that the Mayor and Council Member Schwartz at least are sponsoring this, shows that they, too, see that this is something that is just right. And I hope that we can come together, if they are not able to do it at the District level, and move forward.

Senator BROWNBACK. Ms. Gibson, do you have any thoughts on this, whether it should be done in the Senate or the City Council?

Ms. GIBSON. No, I think that the Council should be given the opportunity and it depends on what they do with that opportunity, but I agree with the Senator.

Senator BROWNBACK. Good. Senator Lieberman

Senator LIEBERMAN. Thanks, Mr. Chairman.

Your question to Senator Hutchison, of course, is just at the heart of it all, your first question, which is why would people do this? I tell you, we had a hearing a week or so ago about the District's school system. Just before that hearing, tragically, there was an incident with sexual activity among kids in the third and fourth grade.

And I think we both had the sense that this is a sign of accumulation of the many ways in which we are victimizing our children and that, in some measure, it is just civilization hitting the bottom. I think that happens when a police officer is targeted, too, because a police officer is the symbol of authority.

And as you pointed out, Senator Hutchison, we are not talking here about a police officer in pursuit or a crime of passion. These murders, in some measure, were assassinations. These were intentional acts of murder directed against individuals either because they were police officers, in the case of Officer Gibson, or knowing that they were police officers. That is why we all, in some sense, have become numb to crime.

I have a neighbor at home in Connecticut who said if this many people were killed by a foreign enemy, we would be on the verge of dropping nuclear weapons on them. It would be that devastating to us. And yet in some sense, because this happens day after day throughout our country, we get numb to it.

What we are saying here, because of the extremity of these acts against police officers, that it stuns us and it stuns us in a way that all other crimes should, but this one really stuns us so we try to react.

Incidentally, as far as my staff can determine, the numbers here for these intentional murders of police officers are not approached by any other major city in the country. There are other cases where police officers have been killed, in the last decade—nowhere near this number because they were a police officer.

Senator Hutchison, let me just clarify—

Senator HUTCHISON. Senator Lieberman, I really want to just reinforce what you said. They are assassinations, and that is what makes them so much more unbelievable.

Senator LIEBERMAN. Thank you. Let me clarify, and I am sure you believe this, your hesitancy about moving forward now has nothing to do with a concern about the legal authority of Congress to adopt the proposal you are making? It is your own sense of, if you will, comity or deference to the District, to give the District Government an opportunity to do this first?

Senator HUTCHISON. That is exactly right, Senator. I think Congress has the absolute power. I think there is no question that it does. The framers of our Constitution wanted the capital city to be everyone's city. They wanted it to be America's city and they gave Congress the authority to make sure that it runs.

Congress has granted home rule and therefore I want to give the Council every opportunity. But like every city has a State that sometimes the city does not agree with, we have much the same relationship. We are the State to the city and I think the city has some legitimate grievances against us, the State. But we also have some responsibilities that we must meet.

So, I think we need to work together in everyone's best interest and only because I would like to give the city the opportunity to exercise home rule in this instance, I am going to step back. But I absolutely will not wait beyond that first part of July to move forward if it is not the will of the Council to do so.

Senator LIEBERMAN. I agree with you, and the analogy to the State is a good one, particularly now because we do have the Federal Government, in various forms, coming forward with reform proposals to assume some of the financial responsibilities that States have normally assumed for local city Governments which the Federal Government has not fully assumed previously for the District.

Ms. Gibson, let me just ask you one question. Again, you are a very strong woman, and it gives us a sense of what your husband was like, although I did not have the honor to know him. He was a hero.

We are going to hear from a lot of experts for the rest of the afternoon on ideas for what we might do to help to improve the quality of law enforcement and safety of citizens here in the District. You live here in the District. You have lived—your husband was a police officer.

If you want to now, or if you want to later by submitting something in writing, I am interested just to see whether you would have any thoughts for us as to what Congress or the District Government might do to protect police officers and improve the safety of residents in the District.

Ms. GIBSON. Well, one thing that comes to mind is to make sure that every police officer has all of the equipment that they are supposed to have, at a minimum, all the support. I do not think that they should have to reach back for anything. I think that everything should be right there at their fingertips.

Definitely, the pay increase would help the morale, I would think. There are a few other things, and I would not mind putting them in writing, but something like the death penalty bill, I think,

would make the officers feel as if they have the support there from the Council and the Senate.

I have a few other things——

Senator LIEBERMAN. That is a very helpful answer and I would welcome, and I am sure the Chairman would, any additional thoughts you would have in writing after the hearing. Thanks very much for being here.

Ms. GIBSON. Thank you.

Senator BROWNBAC. Thank you both very much, and we appreciate it.

Senator HUTCHISON. Thank you, Mr. Chairman. I do have a statement. I did not read it, but I would like for it to be in the record.

Senator BROWNBAC. Without objection, it will be. Thank you very much, both of you.

The second panel will be Stephen Harlan, the Vice Chairman, District of Columbia Financial Responsibility and Management Assistance Authority; Gary Mather, Senior Vice President, Booz-Allen and Hamilton, Incorporated; James Stewart, Principal of Booz-Allen and Hamilton; Larry Soulsby, Chief of Police, District of Columbia Police Department; and the Hon. Eugene N. Hamilton, Chief Judge, Superior Court of the District of Columbia.

We have had some studies done on the District of Columbia police officers by the Control Board. We will hear information on them, and also from the Chief of Police and the Chief Judge.

Thank you very much, gentlemen. I know you have a great deal of interesting information. I have been previously briefed on this. I believe Senator Lieberman was at the same briefing, on some of this information.

What I would like to do is run the time clock on you at 5-minute intervals. Can we keep it to 5 minutes, because we have such a large panel and I have a number of questions, and I think Senator Lieberman will, as well. So if you can take your comments, if you need to boil them down, we will take the written statements so that we have them in the record, and then have plenty of time for some question and interaction.

Mr. Harlan, if you would care to start off, I hope you do not mind those parameters. If it is too strict, we will try to accommodate, but if you can, we would appreciate that. The floor is yours.

TESTIMONY OF STEPHEN HARLAN,¹ VICE CHAIRMAN, DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

Mr. HARLAN. Thank you, Mr. Chairman. I am delighted to be here. My name is Stephen Donald Harlan. I am Vice Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority.

In December, 1996, the Authority released a strategic plan that we had developed. Public safety was one of the two main critical concerns in the plan, along with others, but public schools and public safety were right at the top of the priority list.

¹ The prepared statement of Mr. Harlan appears in the Appendix on page 50.

In December, also, the Mayor, the Chief of Police, the Chairman of the District Council, the Chief Judge of the Superior Court, and the Corporation Counsel, the U.S. Attorney and the Authority entered into a Memorandum of Understanding that you referenced in your opening remarks.

One of the things that we decided to do early on was to work together as a group. Reducing crime, the fear of crime, and general disorder is something that requires a lot of coordination and a lot of interaction with other parts of the city, not just the police. But the police have a very major role in that.

In December, we searched and identified a number of possible consultants to help us in this Memorandum of Understanding effort. On December 31, we hired Booz-Allen and Hamilton to be the consultant to the Memorandum of Understanding partners, the MOU partners. Booz-Allen started its work on January 6, 1997 and the task was such that we expected a report at the end of March.

Because of the escalating crime, the defining event being the murder of Officer Gibson, the MOU partners decided not to wait until March. So, we encouraged Booz-Allen to bring forth the recommendations that it had at that time, and this was mid-February, 1997. On February 26, based on the consultants recommendations, we implemented several changes in Metropolitan Police operations.

What the consultant had found was many of the points that you raised. Crime and the fear of crime are unacceptably high within the District of Columbia, one of the highest if not the highest in the country. Less than 10 percent of the officers were working in scout cars. Two-thirds of the officers on the force had made 10 or fewer arrests in a year, and half of all officials made no arrests at all.

Salary levels were extraordinarily low when contrasted to the surrounding jurisdictions, 14 percent below the average. Not the high point, but the average salary paid in the surrounding jurisdictions. The Police Department really was not organized effectively to deliver the necessary police services to the District of Columbia.

The MOU partners concluded that bold action was required and must be taken immediately. We could not wait on further studies and things of this nature. One of the main points was empowering the Chief of Police. The Chief must have control over promotions and demotions. He must have the ability to remove non-performing officers and civilian employees. To that end, on February 26, 1997 the Mayor delegated his personnel, his purchasing, and his budgetary authority to the Office of the Chief of Police.

The MOU partners also agreed that several crime fighting strategies should be implemented immediately. These strategies focused on the elimination of open air drug markets, elimination of violent crimes, the violence and disorder associated with some of the night clubs, and quality of life crimes, such as urinating in public and drinking alcohol in public, and traffic violations.

Gary Mather of Booz-Allen and Chief Soulsby will report on the consultants baseline findings and some of the details of what has occurred since the police began the initiatives. However, I would like to report that the Chief has developed a new mission statement for the Police Department which calls for the Department to eliminate crime, fear of crime and general disorder, while at the

same time establishing respect and trust for the police within the community.

Before our work began, I had personally gone to each of the District commanders, all seven of them, and I asked what are you trying to accomplish. I had seven different answers. The Department needed a central core theme, or mission that everyone could understand; that could be repeated and repeated and repeated, and set that as the goal that we are trying to accomplish. The Chief has done that.

He has established a new leadership team within the Police Department. He has promoted 39 sergeants, 21 lieutenants and 6 captains. He has redeployed 400 sworn officers to deal with crime and the fear of crime and formed a Police Department internal team to work with Booz-Allen, the consultants to develop a new policing model.

Already the Police Department has achieved several positive results, including a significant increase in the morale throughout the Department; an improvement in the community's perception of the Police Department's ability to target crime, the fear of crime, and general disorder; an increase in the number of arrests which you alluded to, which have more than doubled in the areas where we are targeting crime; and a decrease in the number of homicides for the first quarter of the calendar year, the lowest quarter reported in the last 10 years.

Mr. Chairman, I would be remiss if I did not take this opportunity to discuss the importance of the pay raise for the police officers. As I noted earlier in my testimony, police officers are paid an average of 14 percent less than the officers in the surrounding jurisdictions. Some officers in the surrounding jurisdictions are paid as much as 22 percent more than Metropolitan police officers.

And yet the police officers in the District, the Nation's Capital, work in a difficult and dangerous environment, much more difficult and dangerous than some of the surrounding areas, placing their lives on the line every day. As we heard, in the first 4 months we have had three officers murdered.

Chief Soulsby has proposed, and the MOU partners have agreed to a 10 percent pay raise for the police officers. The 10 percent pay raise, costing a total of \$8.8 million for the second half of fiscal year 1997, would bring the officers closer to the average pay of the surrounding jurisdictions. This pay raise, which would be tied to performance standards and work rule changes agreed to by the union, by the FOP, is important to sustain improved performance within the Department.

All MOU partners are carrying out responsibilities of their own, though, to reduce crime and the fear of crime. We have all undertaken certain tasks. The Authority has the task of not only working with the consultants, and being the coordinator for this MOU group, but the Mayor has delegated his power; the Council has agreed to pass certain laws, for instance considering bail reform, laws to fund the cost of closing abandoned houses, and removing abandoned automobiles; the Superior Court is streamlining their processing procedures; the Corporation Counsel is training police; and the U.S. Attorney is providing training and considering night papering which requires prosecutors and judges to work at night.

Senator BROWNBACK. If you could, I hate to do this to you, Mr. Harlan, but if you could summarize the rest of your comments, I would appreciate that.

Mr. HARLAN. That is fine. These other gentlemen will focus on what has happened. But let me also say that we traveled to New York, Boston, and Chicago, I have personally, along with some of the other MOU partners, and I am convinced that this terrible crime crisis that we have right now can be fixed. It is doable. Other cities have done it. We can do it.

I wrote an article that was published last Sunday in the paper, that you alluded to, and I am absolutely convinced that this can be done, and that we will do it with your support, and with the support of the Congress, and of the White House on various things that are needed.

So with that, I will close summarize and take your questions when you are ready, sir.

Senator BROWNBACK. Thank you very much, Mr. Harlan.

I would like to now turn to the Booz-Allen and Hamilton group, which did the investigation, appraisal, statistical gathering regarding the Police Department and its functioning. I do not know, Mr. Mather or Mr. Stewart, who would care to be the principal presenter? I am just going to lump you both together and still give you 5 minutes, so we are not going to give you 10.

Mr. STEWART. I would yield my time to Mr. Mather.

Senator BROWNBACK. You will yield your 5 minutes, and together that is 5 minutes. If you could, just because both Senator Lieberman and myself have been briefed on this study so we have some good understanding on it. If you could, I think, hit the high points on it, then we will go to some questions.

TESTIMONY OF GARY MATHER,¹ SENIOR VICE PRESIDENT, BOOZ-ALLEN and HAMILTON, INC., ACCOMPANIED BY JAMES "CHIPS" STEWART, PRINCIPAL, BOOZ-ALLEN and HAMILTON

Mr. MATHER. I am Gary Mather, Senior Vice President of Booz-Allen and Hamilton. I have overall responsibility for our firm's efforts to help transform the Metropolitan Police Department of the District of Columbia. With me is Chips Stewart, a former police executive and official of the Department of Justice.

I think the Control Board recognized from the beginning that reducing crime involved more than just the Police Department and, as Steve talked about, the first step was the formation of a Memorandum of Understanding. I think the decision by the Board to include all these players was one of the key reasons why the current effort has been successful.

Booz-Allen began work about 3 months ago, and let me just spend a few minutes summarizing the highlights of our progress. The initial phase of our project sought to do two things. First, we wanted to understand, from the MOU stakeholders, their objectives and points of view. Second, we wanted to develop a baseline or profile of the Department as it existed early this year.

I think what we found was that the greatest concern of the stakeholders were the numbers of crimes committed in the District

¹ The prepared statement of Mr. Mather appears in the Appendix on page 61.

versus the Department's relative effective in reacting to crime. The purpose of the baseline survey was to delve into the Department and gather detailed and extensive data on how it was operating.

First, the Department's mission. We recommended that the Department's mission should shift to concentrate on crime prevention and reduction and, as important, reduction of the fear of crime.

Relationship with the community. We recommended that MPD needed to work proactively with the community in the development and execution of crime control strategies, much as many of the Nation's leading police departments are doing.

Crime analysis. We recommended that crime control strategies must be a primary product of crime analysis at all levels of the Department and headquarters to the District level, and right down to the beat.

Patrol deployment. At the time of the baseline survey about 16 percent of the Department's sworn officers were available for patrol. The remaining officers were being used for a range of other activities, thereby being diverted from the core police function of street patrol. We recommended a massive reallocation of resources to triple the number of officers focused on patrol beats.

Organization and staffing. We found many administrative jobs being performed by officers that could just as easily be outsourced or performed by civilians.

Information and technology, infrastructure, equipment and facilities. We found that the Department had been undercapitalized for some time. We found that much of an officer's time is spent filling out reports. It takes 4 hours to book in this city, versus 15 minutes in some other areas, just because of information technology.

Facilities have not received attention in years. They are in shambles and are a demoralizing factor for the officers.

Performance management. We found that performance review of officers had not been done for 11 years and suggested that that be done immediately.

The Department budget. The District of Columbia is our Nation's capital. In one sense, the city belongs to the citizens who live here, but many feel it also belongs to our country. We feel a vital question surrounds how the budget for the MPD is determined. Should it be determined by the economy and tax base of the local community or by what it takes to make the Nation's capital a safe place to live? We think it's the latter.

Let me finish my testimony by reviewing a few key issues that have recently received public attention.

First was the empowerment of the Chief's position, which Steve talked about.

Next was building a team. The Department leadership team we encountered on day one was dysfunctional, riddled with politics and in basic disagreement on future directions for the Department. We recommended that the Chief choose a team that would share a common vision of the future and he did, and put that team in place. There had to be a clear demonstration that if the Department headed in the recommended direction it would, in fact, make a difference.

Third, the Chief responded by assembling 400 officers, deploying them to the most crime-ridden sections of each district. As you will

hear from the Chief, violent crime dropped dramatically and quickly.

The fourth was compensation. Booz-Allen compared the compensation of MPD officers with that of officers in surrounding jurisdictions and the result was surprising, as Steve talked about. The job of the MPD officer is probably the most difficult in the region. The question arises, how can the Department possibly attract the best talent necessary to combat crime when potential officers can go to neighboring communities and make more? We recently appealed to the Office of Management and Budget for a \$200 million infusion of capital to make up for failures to invest in the Department for many years.

In discussing these deficiencies with Congressional staffers, we have been told the District of Columbia has no constituency when it comes to allocating money, except perhaps at the White House. It is said that there is very little mileage in spending money on the District, in contrast to back home where the votes are.

The reply has to be someone has to take ownership, such as this Subcommittee, of the importance of our Nation's capital and how its condition affects the way the rest of the world perceives the United States.

Let me close by noting where we are going. For the past 2 weeks, Booz-Allen has hosted a working session at our McLean office for a team of 20 officers and civilians from the MPD. In about 2 weeks, the Department will begin a massive shift of resources to a deep focused operating model that will concentrate on crime prevention as the Department's No. 1 priority. The number of street officers who work with the community on patrol will grow quickly from about 570 to more than 1,700.

This major redeployment comes at the right time. We are about to enter the summer months when crime rates tend to be at the highest.

It is also noted that the Department has been receptive to our recommendations for change and Chief Soulsby is clearly leading implementation. His dedication to this change has captured the attention and support of his colleagues in the ranks, as well as Booz-Allen.

I would just like to close by saying the Control Board has made a delightful client. Thank you very much, Chips and I would be glad to answer any questions.

Senator BROWNBACK. Thank you very much. I appreciate that a great deal, and your timeliness, and it sounds encouraging with some of these things taking place.

Mr. Soulsby is the Chief of Police. I know you have had a very, very tough few months here. Please tell us what you are planning for the future.

**TESTIMONY OF LARRY D. SOULSBY,¹ CHIEF OF POLICE,
DISTRICT OF COLUMBIA POLICE DEPARTMENT**

Mr. SOULSBY. Good afternoon, Senator Brownback and Subcommittee Members.

¹ The prepared statement of Chief Soulsby appears in the Appendix on page 79.

I appear before this Subcommittee at a time of great trauma from the loss of our officers and a genuine promise of transformation within the Metropolitan Police Department.

For many years the Department has not been structured to productively combat the forces of crime and violence in the Nation's capital, but I am pleased to testify that the Department now is in initial stages of transformation that will enable it to provide safe and secure neighborhoods throughout the city. Crime rates have begun to fall and will fall further.

The transformation of the Metropolitan Police Department depends on the contributions of many parties. You have heard about the MOU partners, the key stakeholders who have set aside and laid down basic groundworks and set aside their personalities to help us achieve these goals. You have heard from the Booz-Allen and Hamilton consultants who have diagnosed many problems in the past and are helping us work our way through these problems.

There is an initial role for Congress to play, I think, also. As I requested, in testimony last week before the Senate Appropriations Subcommittee, the Department must have a 10 percent pay raise for the officers. There are many reasons I can go into this, but quite frankly, we are changing the entire dynamics of almost everyone in this Department. We have changed a lot of things and we are asking them to do tremendously more, and we need something to give back to them.

I believe that obtaining—I am trying to skip through here to save time, sorry.

We are at a juncture where all factors seem to be in alignment to propel us to the future are there. We think we can achieve great success but we need help. We need help on many areas. These factors include political will, citizen's demand for crime control reduction, the prospects of financial resources needed to obtain equipment and a pay raise are things that we must have to keep us moving forward.

Let me describe briefly some of the transformation that we are going through. The process of transformation began when we signed the MOU partnership. The Department has always demonstrated a willingness to put aside their turf consideration, which in this city is a major accomplishment in and of itself.

The most significant area of support provided the Department has been the Mayor's empowerment of the Office of Chief of Police. By delegating personnel, budget and procurement authority to the Chief, the Mayor has enabled the Chief to establish the foundation for transforming the Department. This role is pivotal if we are going to improve for the future. I have to have the ability to make key decisions, to deploy resources, to hire, fire, promote personnel based on demonstrated competence. Without the necessary authority and autonomy, it would be impossible to transform the Department and to ensure the citizens are achieving adequate police service.

Second only to the Mayor's empowerment of the Chief is the authority to remove the Department's sworn and civilian employees who do not meet the high standards of integrity and performance that we expect in the new Metropolitan Police Department. For the first time, we will now have Department employees accountable to

the same degree as employees in private industry. Employees who cannot or will not meet established standards will be fired.

With my new authority, I have been able to appoint a new leadership team which I think has everybody moving in the same direction. For the first time, we are focused on crime and violence in the city.

The new team is supported by a cadre of managers dedicated to fulfilling the Department's new directive, reducing crime, fear and disorder. They are also committed to empowering all Department employees, down to the beat level, so that we can accomplish things in a timely fashion. We are installing a new organizational culture, one of professionalism. We have been able to improve our administrative process and to remove old, archaic ways of doing things.

We are asking the citizens to measure our performance. Our performance will be based on reduction of crime and reduction of fear of crime. We have high expectations of all our officers. I have reviewed the Department's conduct and disciplinary rules and procedures. We have set up numerous committees to look into performance standards, to also set new professionalism standards across the board. We will make accountability the key word of the day, accountability for integrity, performance, control of crime, accountability for reducing crime and fear, accountability to citizens on all issues.

As we moved forward in the last month, and I am skipping through quickly, we have seen crime, specifically homicide, go down 29 percent this year, robberies down 23 percent, burglaries down 21 percent. But as we move through the empowerment period, over the last 45 days, we have seen crime go down 21 percent, homicides down 50 percent. We have seen the productivity of the officers go up 100 percent in many areas, almost every measurable area.

At the same time, the one thing that has gone down besides crime is citizen complaints.

I think there is a sense of great hope in this city and a great hope in this Department. We have a Department that is committed to professionalism, committed to change, working with Booz-Allen, working with the MOU partners, we say and have a new sense of direction, a new sense of commitment from all of the partners in law enforcement in this city and the criminal justice system.

I think with some support from this Subcommittee and the Hill, we will have successes in the future.

Senator BROWNBACK. Good, I am glad to hear that encouraging testimony. Next will be Chief Judge of the Superior Court of the District of Columbia, the Hon. Eugene N. Hamilton. Judge Hamilton, the floor is yours.

TESTIMONY OF THE HON. EUGENE N. HAMILTON,¹ CHIEF JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Judge HAMILTON. Thank you, Mr. Chairman and Members of the Subcommittee, for the opportunity to be present and testify this

¹The prepared statement of Judge Hamilton with attachments appears in the Appendix on page 89.

afternoon on fighting crime and violence in the District of Columbia.

As we all know, crime and violence and the perception of it at this time in the District of Columbia regrettably is at an unprecedented high level. At the end of 1995, there were over 8,000 cases pending in the Superior Court's criminal division, and by the end of 1996, there were over 9,000 cases pending in the criminal division. This represents a 13 percent increase in the Court's end of the year inventory of criminal cases. There were 45,000 cases filed in 1995 compared with 47,309 cases being filed in 1996.

Neither the figures for 1995 nor 1996 represent the true extent of crime actually in the community, either in 1995 or 1996, and this is because the figures for criminal case filings and criminal case inventories were severely depressed due to reduced police action beginning in 1994.

The last year of non-depressed police activity was 1993 and in that year there were over 58,000 criminal cases filed. In the years 1994, 1995 and 1996, filings fell to 53,000, 45,000, and 47,000 respectively, as shown in my figure 1, which has been attached to my statement.

On March 1 of this year, the Metropolitan Police Department commenced its enhanced enforcement activity in the District of Columbia. On March 1, 1997 the Court received 118 cases from arrests made, for the most part, on February 28, 1997. Then on March 3, 1997, the Court received 252 cases from arrests made on March 1 and 2, 1997. This trend of greatly increased arrests has continued throughout March and April specifically. In March and April the average daily arrestees processed in the Court were 189 and 180 respectively, as shown in my figures 2 and 3, which have also been attached to my statement.

If the trends of March and April continue, we expect to see a total of over 64,000 criminal cases filed in the Superior Court by the end of 1997. As I stated previously, the criminal case filings hit a low in 1995 of 45,000.

The entire criminal justice system in the District of Columbia is now functioning and the rates of crime are going down substantially. The system, however, is very fragile at this point. It will require a lot of attention by the criminal justice leadership and commitment from the community and government support agencies, including the Federal Control Board, the Congress, the administration, the Mayor, and the Council to sustain this present level of functioning by the criminal justice system.

We must pay close attention to and support to make certain that the criminal justice system continues to function in a very effective manner, that it presently functions. The systems that we must pay attention to, of course, are the courts. The judicial and fiscal independence and the well-being of the District of Columbia Courts must be provided for and maintained because the hub which supports all of the spokes of the criminal justice system is a Court system that depends on independent, fair, objective, competent, efficient, professional and well-trained judges and Court staff.

The District of Columbia Court system is such a Court system for it has earned and enjoys respect not only in the District of Columbia but also across the Nation and in many foreign countries.

Many of the judges are so respected that they lecture as instructors in the leading law school programs across the country and seminars and training courses that are held throughout the country.

In addition, the Courts of the District of Columbia are creators of many innovative judicial programs that seek to treat offenders when this can be done efficiently and consistently with reasonable safety to the community. The Court has a state-of-the-art domestic violence unit which integrates all domestic violence cases in the Superior Court except the felony cases. The Court has a state-of-the-art urban services program, which is a comprehensive rehabilitation program which starts with a 30-day boot camp. The Court has a state-of-the-art family and child services center which has intensive services that are provided to children and families.

In short, the Court system must be supported because, in short, it makes no sense for the Metropolitan Police Department to make the new arrests, and the U.S. Attorney and the Corporation Counsel to file new cases if the District of Columbia Courts are not given the judicial independence and financial support to efficiently and effectively manage and enter dispositions in these cases resulting from those new arrests.

As a MOU partner, I fully support the recommendations of the partners, that the officers desperately deserve—an immediately 10 percent pay adjustment. I urge that be done immediately and, in my judgment, it is crucial to sustaining the current law enforcement momentum on the streets. I say this because we must all show these officers that when we say: “We appreciate your efforts,” we really mean it. In other words, at this point, these officers have been treated so shabbily we need to reinforce and support our words with action.

As I stated initially, the Metropolitan Police Department, as of March 1, 1997, is no longer dysfunctional but became a very viable and effective law enforcement agency. This occurred because the Chief of Police was empowered to command the Department and make budgetary and personnel determinations for the Department. This empowerment occurred due to the strong recommendation to do so that was made to the Mayor by the MOU partners, which was accepted and implemented by the Mayor.

The consensus to make this change came from the outstanding scientific research done by Booz-Allen and Hamilton and the leadership of the District of Columbia Financial Responsibility and Management Assistance Authority. The results that have been obtained teach us that the independence of the Police Department and the authority of the Chief to command the Department must be assured. The Chief must be assured of the authority to make budgetary and personnel determinations, as well as direct procurement of the Department.

In addition, the MOU partnership should be made permanent and it should be given the authority to retain a research resource such as Booz-Allen and Hamilton.

Thank you, Mr. Chairman. I would request that my full statement be made part of the record.

Senator BROWNBACK. Without objection, it will be contained in the record.

Thank you all very much for participating in this and I am going to put the same 5-minute clock on both Senator Lieberman and myself, so you can see how well we do up here.

I have to back up to how we opened this hearing. It is beyond comprehension to me to think that we would have three police officers stalked and hunted down in our Nation's capital in a period of 4 months. That is just incredible to me. If the Iranians had done this, we would be dropping bombs. And yet, this has happened in our Nation's capital.

I hope we—and we have many of the major players involved here—take a pledge that we will not tolerate this situation continuing. We will tolerate zero assaults towards police officers because they are us. They are the representation of the people of a civilized nation. They are the representation, just as our soldiers are in war. And we will tolerate zero assaults towards police officers.

If a police officer is assaulted, there will be a price paid. If one is killed, there will be a penalty extracted, period, and it will be equivalent to the crime.

I hope we can all move forward on that. Mr. Soulsby, I hope you can convey that to your police officers who must feel like they are in a war zone and being targeted. How are they reacting to what is taking place?

Mr. SOULSBY. Well, first of all, I appreciate your comments and certainly it causes them great concern. Many of them are wondering should they remain in law enforcement. Many of their spouses are pressuring them to leave. That is why it is so important that we support them.

But they are professionals and they are going out there every day. They are upset about it. And I think it has everyone's attention. Any time an officer dies it is very tragic for everyone involved. Every single police officer hurts, and many members of the community.

But we have people in society, in this city and others, that have no value for life, have no concern about getting caught, do not care about going to jail. They do not care whether they live or die. They should not be allowed to walk the streets of any city.

Senator BROWNBACK. We will back you up on that. I do not know if the police officers have taken a position on the Brian Gibson Act, on the death penalty towards killing police officers. If you would like to articulate that, if you can?

Mr. SOULSBY. The death penalty is such an individual thing for most people, but I am totally in support of the act. I think we need a death penalty in Washington, DC.

Senator BROWNBACK. I think we need to renew our culture, too, to think that people would actually do this.

Towards the Booz-Allen folks, you did a very good study. How did we get to a point where, by your numbers, you are saying 16 percent of the police officers were involved in the beat activity and half of the badged police officers, if I have that number correct, made zero arrests last year? How did we get to that point and what instructiveness do we have on how do we get out of that? Or maybe you feel like we are very much on the way of getting out of that type of situation?

Mr. MATHER. I think when you look at the numbers, you start off with a fairly high number of people. And then as you go attriting down, as they keep getting diverted to administrative tasks and other kinds of things, specialty functions and whatever, by the time you get down to patrol it is a 16 percent number. And so there is—I think the Department, when we started, was almost an administrative report-taking kind of Department, and the officers were more reacting to crime than really trying to prevent it.

So, I think that the massive shift that you will see is a shift in the use of people, what it is that people do at any given point in time.

I think the other thing, on the arrest rate, I do not know, I think that there has been a real change of the paradigm under the Chief's leadership since this all began. I mean, there is a sense of momentum out there and there is a sense of accountability and you are going to be held responsible for what is happening. And that signal went out loud and strong, particularly when the new team was formed and it sprinkled on down in the organization.

I think that signal said, "Hey, you have a job to do, and you are going to do it. And if not, you are going to be done." I think that signal went out there. And as a consequence, people stepped up to the challenge and the arrests started to happen.

With the new paradigm that comes in and this massive shift to resources, I think a lot of people will step up to the challenge and some will not. But we think that the whole model is being tipped on its ear. I mean, it is a whole different scheme that is being put in place, and we think the impact on crime will be substantial.

Chips, I do not know if you have any additional comments.

Mr. STEWART. Very quickly, you had a problem with structure and you had a problem with strategy and you had a diffuse, fractured mission. You had a bunch of people being hired and put in small details to handle specific problems and act like Band-aids. It did not take a comprehensive approach and needs to be completely restructured. You cannot get there from here unless you fundamentally change the vision of the Department, the operating model of the Department, and you restructure it to put the officers where the crime, the fear, and the disorder are. And you have the other part of the system work.

Senator BROWNBACK. Is that taking place in your estimation? That restructuring?

Mr. MATHER. That is where we are headed.

Senator BROWNBACK. So you are satisfied that we are now headed in the right direction, that we are on the right track?

Mr. MATHER. The Chief did the first 400 and the impact of that was pretty dramatic, in terms of the impact on the numbers. We just spent 2 weeks with 20 officers that were picked by the leadership team. They started off in lots of different places, but 10 hours a day, 9 days, very intense. By the time we were done this whole group, from lots of different places in this Department, had coalesced around the idea that their job was basically to reduce crime and the way to do that was in the street. It was not at headquarters, it was not in the District buildings, it was out there on patrol, interacting with the community, proactive, crime strategies,

executing those strategies, figuring out what was going on on the beats, and proactively dealing with those kinds of situations.

So my sense is that there is a real momentum that is building here that I did not see when we first showed up. That is why I think this raise ends up being so important because these officers are looking for symbolic signs that the people are behind them, that they are not out there by themselves alone, that the Congress is behind them, that the citizens are behind them, that they are not just going this alone.

I think the 10 percent raise would create a real slug of not just the financial benefit of it, but just in terms of the momentum and the movement and everything. It is just a critical thing. We have to do it.

Senator BROWNBACK. Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman.

Let me just pick up briefly, Mr. Mather, on what you said about the response of the officers in the MPD and looking for a signal of the public's appreciation for what they are doing. A pay raise is obviously part of that.

From your contact with the police officers, do you have any indication about how they feel about the proposal to impose the death penalty on those convicted of—

Mr. MATHER. I do not have any data on that, except what I have heard anecdotally.

Senator LIEBERMAN. Mr. Harlan, let me thank you and Chairman Brimmer and the Control Board for the leadership that you have exercised here. This really was a crisis and you have stepped in and brought in Booz-Allen and got great response from the other signatories to this Memorandum of Understanding, particularly the Chief and the officers, and you can begin to see the turnaround. So I do not want to rush forward too soon without thanking you for the leadership that you have shown.

Mr. HARLAN. Thank you.

Senator LIEBERMAN. In a way, my first question has been anticipated. I was going to ask you, Chief, and Mr. Harlan—well, two things. First off, can we draw a line, as far as you can determine, between the actions that you have taken, the first reform actions if you will, and this remarkable change in arrests and statistics and citizen complaints?

I guess what I am asking is: This is just not accidental, is it?

Mr. SOULSBY. No. Actually, you could draw a line in the hallways, you can see it on the faces of the officers from day 1. When this MOU was signed and the discussions in the first 24 or 48 hours, the whole attitude of officers changed. The judge could tell you the attitude, he sees hundreds of officers in Court every day and he could see the way they acted around the building.

We had become a Department that was politicized from the standpoint of people politicking constantly for promotions, externally and internally. We had become a Department that was almost, in some senses, like police welfare. Once you got the job it was almost impossible to fire you. We had cases where we had fired someone four times only to have administrative appeals overturn it outside the Department.

If you have a Department like that, where you cannot fire even the worst behavior, I am not talking about criminal behavior but just worst behavior, then what happens after a period of time is the minor violations are not enforced. There is no sense of discipline.

You had officers that just would not work on the street and you would have other officers who would stop working, stop looking for things to do, because they would look around and say why should I take all the chances? These other officers are not doing anything.

Senator LIEBERMAN. Right, bad morale begets worse morale as it goes on.

Mr. SOULSBY. Absolutely.

Senator LIEBERMAN. Have you taken any action yet? Obviously the whole thrust of this hearing is to give every possible support we can to the police officers. But as you point out, not every police officer is doing his or her job. Have you taken action yet against any police officers who you feel are not performing up to the standards?

Mr. SOULSBY. So far the action has been taken at the highest ranks. There has been five senior people removed. We are working with the U.S. Attorneys Office in identifying people that they have identified as potential problem people. We are looking through it with Internal Affairs pulling every case jacket for the last 5 to 7 years, looking at all prior actions. We are deciding should this person stay on the Department, or should this person.

So it is an orderly process but we intend to get it done this spring.

Senator LIEBERMAN. We have a lot of hope and a lot of confidence in you, and to the extent that you do carry out that mission it will make it that much easier—I hate to use that word—to get the support for the Department generally from Congress and for the individual police officers. I hope this 10 percent increase is not the last of it.

If there is a feeling that you are weeding out the people who are not doing their jobs, and you have a force out there that you are confident in, then I think you are going to find Congress willing to continue to reward those people for the job they are doing.

Mr. SOULSBY. This Department, the leadership of this Department, the entire force has been given an opportunity to show its ability. Can it become a professional Department? Can it once again be a leader? We are not going to waste this chance.

Senator LIEBERMAN. Good. Judge, you made a very important point here, that we ought to all, in the sense of partnership, think about how we can respond to which is that if—those numbers you gave were dramatic. And if those numbers continue there is obviously going to be a different kind of crisis in the criminal justice system, both within the Courts and, I presume, within the jails.

In a lot of jurisdictions, including my own in Connecticut, we went through this a while back and what ends up happening is that you are putting more people in the front door, and yet you are letting more people out the back door because you do not have room inside the jails. And you have the same kinds of problems, if this is not done right.

I wonder if you could give us some idea of how you see this and what, if anything, the District Government is doing or what Congress can do to help you with this? Do we need more jails, for instance?

Judge HAMILTON. Well, we do need more detention facilities, both for arrestees and people who have been committed on sentences. I do not think we need as much prison space as one would think off-hand. I think the challenge now is to weed out those people who can be supervised in the community with safety to the community in a very cost efficient, effective way, so as not to use jail space to house those people. That is what we are—we have to focus on that, as well as being certain that those people who cannot be supervised in the community are, in fact, incarcerated. We have to pay close attention to both.

Senator LIEBERMAN. Thank you all. Thanks, Mr. Chairman.

Senator BROWNBACK. Thanks, Senator.

Mr. Soulsby, have there been other attacks targeting District police officers that we have not heard about?

Mr. SOULSBY. Yes, daily. You have a lot of officers that are assaulted frequently and at different events. But we have had other cases where officers have been assaulted but not killed, but if you go back a couple of years, an officer on H Street in 1995. The officer and his partner were assisting a motorist and the person could not speak. An individual comes up behind him and shoots the officer in the back of the head.

We have had cases where an officer was walking a beat down on Martin Luther King Avenue, about 2½ years ago, and he stopped and talked to this young kid. And after the officer walked on, the young kid decided he wanted the officer's plastic gun. We had Glock guns that are made of space age plastic, partially. So after the officer walks on, he shoots the officer in the back of the head and the officer survived, just to try to get his gun. He just wanted his gun.

I mean, that is absurd, but again, we have a lot of people that commit crimes, commit murder, intimidate witnesses, that commit murder in front of 30, 40, or 50 people, and people are intimidated to the point that they do not—they have a total lack of respect for the entire criminal justice system, I think. So witnesses are afraid to come forward. In some cases, we have had witnesses killed, and many witnesses who have been intimidated.

There is a culture out there—I do not care whether I get caught or not, I do not care whether I go to jail, I do not expect to live to be 21 or 25 or 30. They just do what they want, when they want. There is just a lack of sense of respect for this society as a whole.

And the officers, being the ones that represent the community, are the ones that have to deal with those people on a day-to-day basis and it is very difficult.

Senator BROWNBACK. You are using terminology I use to describe a Third World country situation of a judicial system, being intimidated in that nature.

Mr. SOULSBY. What you have, and let me make it perfectly clear, the vast majority of the citizenry in Washington are decent, law-abiding citizens in every community. But there are a few in a lot

of these community areas, that are just terrorizing these communities. And they have no sense of society.

Senator BROWNBACK. You were saying earlier that police officers are being assaulted on a daily basis, did I hear that?

Mr. SOULSBY. Yes, we have many assaults on police officers cases that go to Court almost on a daily basis.

Senator BROWNBACK. Maybe we ought to publicize and publish that, so people can know just how difficult the duty is of what police officers are having to do.

I understand and I hear you clearly about the need for the salary increase, and I appreciate that. Are we providing the tools that your officers need for their safety?

Mr. SOULSBY. What we have, and really for the last 15 or 20 years the Department—as Booz-Allen has indicated—they have sent together a package to the White House asking for almost \$200 million for equipment needs and infrastructure needs. We have a lot of needs.

They have the tools necessary for basic safety, to basically do their jobs. But most area Departments have much better equipment than we do. They have more modernized equipment.

Senator BROWNBACK. If you could be more specific?

Mr. SOULSBY. It is a combination of—for instance, we have an old radio system and we are in the process of trying to get a new radio system. We finally have the money, in large part thanks to Congress and Senator Hatch, where we can do a lot of technology pieces. But we need equipment for our cars.

For instance, just making sure that we have sufficient fingerprint equipment, sufficient equipment to process crime scenes across the board. A lot of things that you would have in a police car in many other jurisdictions we do not have. We have to lend them back and forth.

So we provide basic equipment, but we have a long way to go. And I would certainly be very pleased to submit to you a list of our needs.

Senator BROWNBACK. I would appreciate you doing that, of saying if we are going to ask this police force to put their neck out on the line every day to defend us, and we are asking them to step up the pace because we do not feel safe and we do not think you are either, then what equipment do you need to do it? So that we can know with clarity that we are not going to send our troops into the field without them being sufficiently armed.

Mr. SOULSBY. I will submit to you a request or a list of those needs this week, sir.

Senator BROWNBACK. I will look forward to being able to have that. Just let me say, as a closing statement for myself, I appreciate what all of you are doing and each piece of the puzzle that you operate. Particularly, Mr. Soulsby, your officers are out there on the front line and I am looking forward to the additional ones hitting the streets.

I am encouraged about the optimism that each of you state towards this and about some of the preliminary results. I am hopeful that that can continue. We have to do much better for your officers. We have to do much better for this community.

It sounds like to me, from each of you, you are saying we can do much better. We clearly can do much better. Other major metropolitan areas have done it. You have studied those models and you are going along those models and you are moving on that path.

We will look forward to having you back sometime, I would hope later this year, to assess progress as we move along this issue. And I hope and pray you do not have another headline where we have officers killed in the District, hunted down.

Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman, two quick questions. Chief, let me just draw you out for a minute on something you said in your opening statement. Obviously what you are in the process of now is leading change and it is a natural human reaction to resist change. You have been given more authority, more independence. Are you getting cooperation from the city administration, the Mayor's office, and from the police that are serving under you?

Mr. SOULSBY. We are getting basic cooperation from the city and many of the MOU partners have been outstanding. But the officers, the men and women of the Police Department, for the most part are ecstatic about the change. We cannot make it happen fast enough. I brought in most of the—certainly, all of the senior officials, all of the lieutenants and above in the Department, a lot of the sergeants, and talked about—we sent video tape statements out to all of the officers. I have sent people, senior managers, to every roll call.

One of the questions we asked all of them, no matter what your rank, do you know people of your rank in this room that should not be here? And almost every officer would raise their hand, or every sergeant or every lieutenant. They are frustrated. In large part, they have been stagnant by the fact of why should I do anything if these other individuals do not and nothing ever happens to them?

The gloves have come off now, across the board. And that is why I told you within 24 or 48 hours, you could see a difference. People, instead of frowning walking the hallways, were smiling and actually enjoying their jobs.

When we put this new enforcement effort out in these areas, the seven areas of the city, the 400 officers, you had officers going in and talking about I have not been out here for 6 or 7 years doing this. I am absolutely enjoying it. We have had officers who have gone to Court and made cases that have not been in Court for 10 years.

The dynamics of this whole Department has changed, is changing. We have a long way to go but there is a great sense of hope.

Senator LIEBERMAN. That is great. There is something to be said for a culture in an organization, or an attitude in an organization, and it sounds to me like you have changed it.

A final question, Mr. Mather, in response to what you have done, obviously, there are some very significant and hopeful changes going on. From your perspective, what do we have to do to keep this going? What are the key indicators here of continued progress in law enforcement in the District?

Mr. MATHER. I think what you said earlier is organizational change is a fragile thing and I think momentum is very important. I think when we made the recommendation to the Control Board on the empowerment of the Chief, it was with some trepidation because we did not know how it would turn out.

Senator LIEBERMAN. Right.

Mr. MATHER. I think we all look back now and think that we are very fortunate that the Chief has stepped up to it the way he has and has delivered so well. I mean, I think we all felt that if that did not happen, it would have set back the whole thing a ways. So I think we should all be grateful that we have a Chief that is really doing this. I think he has a team behind him and his momentum and so on.

I guess my feeling is that we are on the right course. I think the Department is committed to this business of crime prevention. I think when we first got started, we said, you guys are talking about arrests and 911 response time and the rest of the world is talking about body count.

Senator LIEBERMAN. Right.

Mr. MATHER. People are thinking about the number of crimes committed, not what your response is to crimes committed. So crime prevention, if you really want to feel safe in this city, has got to be the critical thing that is focused on and I think it takes time for a Department to come around and embrace that idea, and that Department has.

This group of 20 that has been out there, we have asked them to be evangelists, to go out, almost like you drop a stone in a pond and it starts to sprinkle out and, slowly but surely, this whole thing starts to take.

So, I think during this transformation process, it has to take. It has to have a life of its own and it has to have perpetuation at the grassroots level, and as you keep pushing this thing to the grassroots level, people are now doing things, not because they were told to from on high. They are doing it because they have embraced the new idea and they are doing what they need to do.

I have seen a lot of these transformations. I have been involved with a lot of them in the corporate world and this one has the feel of something that is really going to happen, and I think the only thing we have to do to make that the case is to stay behind it and keep this momentum going, and I think it is going to be—every so often, you get all the things line up. Part of it is just luck and part of it is hard work and part of it is just the way it turned out.

But some very good things are happening and I think it is fundamental and I think it is structural and all we need to do is keep this momentum going and I think we will have a different Department and a different city.

Senator LIEBERMAN. Great. I hope we in the Senate and Congress generally can do our part to support that change. Thank you all very much.

Senator BROWNBACK. Thank you all very much. We appreciate it.

Our next panel will be Dr. Robert Moffit, the Deputy Director for Domestic Policy Studies, the Heritage Foundation, and C. Stephen Wallis, Washington, D.C. Area School Administrator.

We are going to do with this next panel just like we did the last one. It will be a 5-minute presentation, gentlemen, if you can. Sorry to keep you limited so tight, but we have a lot of people that want to help us out with a tough problem here, so we will try to keep it to 5 minutes, as well, if you can.

We will take the full statement in the record, so if you can summarize that, that would be appreciated.

TESTIMONY OF ROBERT MOFFIT,¹ DEPUTY DIRECTOR FOR DOMESTIC POLICY STUDIES, THE HERITAGE FOUNDATION

Mr. MOFFIT. Thank you very much, Mr. Chairman.

My name is Robert Moffit and I am the Deputy Director of Domestic Policy Studies at The Heritage Foundation. I supervise a staff of analysts in the areas of health, education, welfare, and urban policy, including urban crime.

Mr. Chairman, at the outset, words cannot express the honor that I feel at having the opportunity to testify before this Subcommittee of the Senate on this issue. The reason is that for me, personally, the problem of the police and the problem of crime is not at all abstract. I come from a family of Philadelphia police officers. My father was a detective in the Philadelphia Police Department, with 25 years of service. I feel deeply about the welfare of the police and their struggle with the problem of crime.

I should also point out, before I get into the depth of my testimony here, that for my colleagues at The Heritage Foundation, crime is not an abstract policy question. Over the past 36 months, Heritage staff have been victimized by violent crime on more occasions than we care to count. So our interest in the success of the Police Department is not an object of metaphysical interest.

In our own way, my colleagues at the Foundation have encouraged the serious discussion of the future of the Metropolitan Police Department. Back in October of 1996, The Heritage Foundation sponsored a public policy lecture by William J. Bratton, who was the former Police Commissioner of the City of New York on the topic, "If New York City can reduce violent crime, why can't D.C.?"

You all know the reason. Over the past 4 years, New York City has witnessed an overall reduction in crime by 50 percent. During Bratton's 27-month tenure alone, New York City saw a 36 percent reduction in serious crime, including a 44 percent drop in auto theft and a 45 percent drop in murder.

The purpose of the Heritage initiative was to determine how, precisely, this was accomplished and what policy makers here in Washington, locally and nationally, could learn from the New York City's stunning success.

Larry Soulsby, the Chief, was a panelist. He was invited to discuss ways that he could improve the Department at the time. Eric Holder was also invited, as were representatives of the local neighborhood associations. I am proud to report it was a positive, encouraging, and very productive meeting.

I am going to confine my remarks this afternoon to the question of the police and how public officials can help the police. I noticed at the top of this conversation, we were talking about the tough job

¹ The prepared statement of Mr. Moffit appears in the Appendix on page 125.

facing the police. It seems to me and my colleagues at The Heritage Foundation that perhaps the basic problem is that most of us simply do not think about the police enough. More precisely, we do not give the police enough thought about what kind of job they do.

That has certainly been true in the District of Columbia. The Memorandum of Understanding describes a Metropolitan Police Department plagued by deep cynicism, "low morale for management, a lack of clear vision and common purpose," but it then further notes, "that many of these conditions existed for the last 10 years." From the standpoint of public policy, ignoring the police can be catastrophic.

The job that Congress and local officials have to undertake first is to rethink the job of the police officer. It is our first task. We have to ask ourselves a fundamental question: What public official exercises more direct, concrete, and immediate authority over every citizen of the United States, regardless of their class or condition, than a police officer?

If you think about it, the authority of the police officer is awesome. There is nothing else like it. He can stop you and he can question you under a given set of circumstances. He can arrest you and take away your personal liberty. And, indeed, under another set of circumstances, he can even deprive you of your life.

He is bound by rules and regulations, as is every other public official, but as James Q. Wilson and others observed, these rules tell him what he cannot do. They tell him nothing about what he can or should do. There is a reason for this, and it is inherent in the job of the police officer as a profession.

The police are, as Wilson and others have noted, the supreme paradox of personnel management. In virtually every other public or private institution you can imagine, the discretion of an official, what he can do under a broad charter of responsibility increases as one goes up the hierarchy. At the very top of the pyramid, whether it is running Microsoft Corporation or the Department of Health and Human Services, the discretion of your top officer is enormous.

The police are the exception to this otherwise iron rule of management. Indeed, in the case of the police, the discretion in the exercise of authority increases as one goes down the hierarchy. So in the case of the police, you have a unique role reversal that exists nowhere else in either public or private management. The police are operationally independent, they operate alone, they have to depend primarily on their own judgment, weighing the circumstances in every case, and they operate without direct supervision.

In effect, they are authorized to make split-second decisions in matters of life and death within the confines of the law and the Constitution. This is something that is beyond the experience of most Members of the Senate or the House or even the Supreme Court. This kind of discretionary authority is for most of us, simply beyond imagination. Public officials should think about that. They should think about it a lot. They should think about what kind of person they want in that kind of a job.

We have to also rethink the standards for police personnel. The problem of the police is ultimately a problem of personnel management. Specifically, it is a matter of adopting appropriate standards

in recruiting and hiring and firing and promoting and deploying police officers. As my colleague at The Heritage Foundation, Bill Bennett, once remarked, no personnel decision in government is more important than the hiring of a police officer. If you make a mistake in hiring a police officer, the consequences can be catastrophic.

We also have to rethink the role of the police in combatting and preventing crime. It looks like we are on the way to doing that. I am very grateful to see that the D.C. Police Department and the Booz-Allen team and the signatories to the Memorandum of Understanding are doing precisely that.

We can do a lot of other things. I have specified in my testimony 10 different items. It has a central theme: Getting serious about personnel investigations, serious about recruiting standards, and at the same time, giving the police the recognition they deserve.

One thing I want to close with, Mr. Chairman. Beyond the pay raises, one thing that we may want to think about is to have the President, the leaders of Congress, the representatives of the business community and the labor community, the press corps, once a year in this city honor outstanding police officers. It would go a long way to boosting the morale of the police, to let them know that the highest officials of this country are behind them 100 percent.

Thank you. That ends my initial statement.

Senator BROWNBACK. Thank you very much, Dr. Moffit. I appreciate that.

Mr. C. Stephen Wallis, Washington, D.C. Area School Administrator, thank you for joining us.

TESTIMONY OF C. STEPHEN WALLIS,¹ WASHINGTON, D.C. AREA SCHOOL ADMINISTRATOR

Mr. WALLIS. Thank you, Chairman. I appreciate the opportunity to be here today, Senator Lieberman.

My focus over the last several years has been on the pivotal role that school environments play when we examine American public schools, and it seems to me that a discussion of crime, adult and juvenile, in any of America's communities would be rather incomplete without an equal examination of the community's schools.

Frankly, too many of America's public school teachers perform under combat conditions, Senators. Worse, teachers too often have little support from local boards of education or school administrators, and yet despite the barrage of disrespectful behavior on the part of unruly students and the lack of action from school authorities, these teachers daily make heroic efforts to educate this country's youth.

State and local legislators can take a strong hand in reforming public education through school choice, charter schools, and other measures designed to increase accountability. Today, I want to lay out before you how it is that legislators can also play a vital role by restoring discipline and, frankly, civility and a traditional level of popular literacy.

The District of Columbia is no exception in this regard, sadly played out with frightening regularity in too many of its schools,

¹ The prepared statement of Mr. Wallis appears in the Appendix on page 149.

most recently at Ballou regarding the stabbings just within the last day or two and with the Winston Elementary sex incidents within the last 2 weeks.

And while urban, suburban, and rural school administrators continue to fret for more funds, and money is awfully important, I humbly contend that money is the wrong focus. The most pivotal reason for this country's lackluster educational performance continues to revolve around the utter lack of civility in our schools, and, worse, it is tolerated on a daily basis.

We can no longer assert the need to set rigorous standards and then ignore the very reason why this is unachievable. The number of classroom disruptions interfering with teaching and the number of threats and injuries to teachers and students grow exponentially, and it appears to me that many of the schools have lost their sense of culture, of just what is important for students completing their K-12 public school education.

A school's success is due, in major part, to its philosophical foundation, its norms and its beliefs, academic and social. So if the climate exudes achievement for everyone and if the school emphasizes educational goals and what I call the 4 Rs, including respect, then the grounds themselves, the building itself is thought of as a place for learning. It is of paramount importance, and then this becomes infectious. Teachers will also project to all students that they can and are expected to achieve.

But that is not the case that we have in most of our schools, gentlemen. When a school system is fraught with disruption and rampant disrespectful behavior and where policies governing behavior are weak or poorly written, then the mission is at best amorphous and allows for an erosion of sensible expectations. In effect, the school's culture is subverted by a kind of silent chaos.

You have to be in a public school, in many of them, to see the repeated sundry of ill behaviors, from disrespectful comments to peers and adults, the pushing, the fighting, the rudeness, the open alcohol and drug activity in school corridors, lateness to class, the truancy, being unprepared, foolish disregard for policies, sleeping in class, fondling one another, wearing clothes emblazoned with drug, gang, and often demeaning expressions to one or another's gender, ad nauseam, often with no correction and no consequences.

I have stated repeatedly that this has a negative cumulative effect. It is as though we are waiting for youngsters to run to the edge of the cliff before they decide that leaping off the edge, in this case, a knife cutting in a cafeteria or a violent assault or a gun incident, is really inappropriate. It is very similar to the broken window syndrome.

As a Nation, we can be appalled, but we ought not be surprised at the level of violence being played out in our streets. It is being played out in our schools, elementary, middle, and high. Youngsters continue to graduate from the schools with barely a tenuous grasp of right and wrong. They will continue to play the system, and sadly, too frequently, be in and out of the justice system and still many what I call educrats and others still do not get it.

An effective school system, one that focuses on stressing achievement, wholesome involvement in the total school program, emphasizing respect and integrity, emphasizing also a shared parent

partnership, cannot be sustained under conditions where there are endless excuses for intractable defiant behavior and no moral or ethical consequences.

There are some things I think legislators can help us do. First of all, there are four principles that must characterize certain actions. Disruptive and violent behavior receives zero tolerance. Discipline be even-handed with due process, regardless of ethnicity, gender, or socio-economic background. An acknowledgement that substantive discipline is a kindness that contributes to personal growth and freedom. And last, there must be a return to the appropriate mission of schools, refocusing efforts on teaching youngsters to read, for God's sakes, to compute, to write, to speak, and to think critically.

We can encourage involvement by use of parent contracts. I would ask legislators to encourage the Washington, D.C. school system to establish community service for those students on suspension, gaining an understanding of compassion, respect, and humility and responsibility that might be learned and might be gained by helping someone in a nursing home, tutoring another youngster, cleaning up a park; establishing school time-out rooms with a para-professional and community agency staff to work with disruptors, if only temporarily, establishing transitional schools for the habitually disruptive student; establishing afternoon auxiliary centers with supervised open classrooms and gymnasiums after the regular school day for those students wishing to take in academic assistance or participation in cultural activities; insisting that school officials review and rewrite, if necessary, student discipline codes; making character education a part of the curriculum; hiring retired military staff as a resource of talent and training; ensuring that adequate security personnel are in the schools and on school grounds; ensuring that high schools employ reading specialists; and the last two, cutting off funds, if you will, to those districts or those schools tolerating disruption; and examining school staffing and assigning staff to our schools with community-specific at-risk needs and really departing from the rigid formula that assigns staff on the basis of student numbers.

I would add that I think the more students think and learn, the more active they will become in the instruction. And when respect, self-discipline, and character are rewarded, student motivation to learn will increase, Senators.

I will tell you that I think there is a continuing active role for legislators, for employers and communities, for that matter, in the effort to move our children to world class standards, but it has to be recognized first and foremost that disrespectful behavior and disruption steals learning and smothers instruction, and in the process, steals the future from far too many students.

Last, I would like to say that we might begin improving the conditions under which too many American public school teachers work and teach if the end result is improving the education of our country's children. I would thank you all very much for the time and effort that you give to the District's children and their parents and their teachers.

Senator BROWNBACK. Thank you, and thank you for your work on the front lines in the schools and with the children.

With three police officers being, we have even heard the term here today, assassinated in the District in the first 4 months, does any of that surprise you, being a school administrator and some of the comments that you've made about lack of respect in the school system, of kids growing up and being willing to engage even in the mental processes of thinking about actually going out and killing a police officer? Does any of that surprise you?

Mr. WALLIS. It does not, Chairman Brownback. Recently, talking in San Antonio and Detroit, Michigan, I have said nationally that far too many of the criminal element, frankly, have been cultivated in our public schools. They at one time were in our public schools.

And the fact of the matter is that an atmosphere that is rife with disruption simply cannot produce kids who know something about self-respect and integrity and regard for the sanctity of life. I am not surprised at all. I think we are reaping 25 to 30 years of what we have sown.

Senator BROWNBACK. And you have stated in your testimony, and I appreciate that, some of the things you think that we can do here to try to turn that tide. I know it is both Senator Lieberman's and my hope that we have reached the bottom of the barrel and we are going to start turning this around, but we have a lot of years to go.

Mr. WALLIS. I am sure we do, Chairman, but I would humbly insist that before legislative bodies appropriate a single dime, that those vested with the responsibility to educate our youngsters ensure that these schools are safe, that they have, in each one, an atmosphere that is conducive and contributive to academic study consistently and extracurricular involvement.

Senator BROWNBACK. Is that happening now in the District of Columbia schools? We now have the Control Board involved. There has been a lot of hope and promise being put forward there. Is it happening now in the District of Columbia?

Mr. WALLIS. Generally speaking, it is not, Senator, which is why you have had occur just within the last couple weeks some of the problems that we have had in the schools. It certainly is nothing indigenous to Washington, D.C. This is pervasive and we all know the violence statistics. But I would contend that the disruptive and disrespectful behavior that we see is far more pervasive than the violence.

Senator BROWNBACK. You cite charter schools, and choice. What else can be done within the school system today to try to reestablish some of that respect and reduce the disrespectful activity?

Mr. WALLIS. I think it is going to take a legislative body, such as this, and the community working towards the effort of really renewing schools and doing it in a substantive fashion, because we can talk about increasing test scores, we can talk about incorporating technology in different schools, but the fact is that we need to emphasize very, very substantively the importance of a shared partnership with the community, and frankly, as I mentioned earlier, the complete sanctity of the schools, where schools are places where the parameters are such where kids must achieve.

It takes dynamic leadership. The faculty have to know how much they are appreciated and kids have to know that each and every one of them can succeed, and it is true, but it is utterly impossible

when schools are run as they are today. It is fundamentally flawed to think that we can talk about these kinds of things regarding achievement and then stand by and allow the kind of behavior that steals dignity and smothers instruction every day.

Senator BROWNBAC. So set standards and absolutely adhere to those?

Mr. WALLIS. I think so. I believe in my heart, Senator Brownback, I think we need to declare a war on incivility and it takes setting standards. There are too many constituencies who have supported me on that. I have talked to minority youth. I have talked to various schools, their faculties, and I am telling you, across the Nation, kids are hungering for this. They have indicated in recent surveys that they would feel a lot better about themselves, they would learn a great deal more if they just felt safer.

So, if you are talking about crime in any one community, you have got to discuss the schools and they have to be examined and they have to be run, I would humbly suggest, as I am outlining today.

Senator BROWNBAC. Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman.

You both gave excellent testimony, both in terms of the attitude, the values that you bring to it, which I appreciate a lot, and the specific recommendations that you have made.

If I may, not to take too much time, but this whole notion of incivility is so critical, and it has been an interest that I have shared with the Chairman, to examine or to do something about the effect that the entertainment culture—television, music, movies—have on kids with the decline of some of the other sources of authority, traditional civility.

Take a look at television. Part of what is wrong with the trash talk TV shows is not just the dominance of the sexually perverse behavior that is described, but it is the way the discussion goes on. It is yelling at each other, it is pushing each other around.

Take a look at some of the TV shows, some of them that seem pretty funny. You could take a look at "The Simpsons" and, in one light, it is sort of funny, or "Married With Children," which is now going off the air. But what is involved in both of those shows is a profound lack of civility and respect for authority, parents, for instance. So we all pay the price for this. I apologize for the sermon on your time, but—

Mr. WALLIS. You are preaching to the choir.

Senator LIEBERMAN. Thank you.

One of the other things you have said, just in response to the Chairman and just to punctuate it, we are accustomed to having people say that prisons are schools of crime, that often people go in a prison, come out more schooled in crime. It is an awful thought, but it is true in too many schools in our country today, that schools can also be breeding grounds for criminal behavior and we have to stop that.

Let me ask a specific question. I missed asking this both last week or 2 weeks ago when the school folks were in and today. Are the D.C. police responsible for security in the public schools or is there a separate school security force?

Mr. WALLIS. I am not absolutely sure of that, Senator. I know some schools have hired separate security, private security, and I know some Washington, D.C. officers have patrolled some of the schools. I am not sure if there is an actual formal contract for that.

Senator LIEBERMAN. OK. We can pursue that. I just am curious as to whether you have seen a reduction in crime within the schools in the period of time that we have heard described in the previous panel, by the Chief and others in which this new approach is going into effect. We are seeing more arrests, a drop in serious crimes. Have you seen any change within the schools that you are involved in?

Mr. WALLIS. I am sorry to say I have not. No, sir.

Senator LIEBERMAN. Dr. Moffit, thanks for your testimony and the specificity of your suggestions. I am very interested to just ask you to talk a little bit about No. 4 of your 10 items, which is to anchor the police in the community.

Mr. MOFFIT. Right.

Senator LIEBERMAN. I am real interested in what you said about going beyond putting the cop on the beat, community policing, but have some other ideas, and this really goes to the heart of what I was saying at the outset, which is when I grew up, not only did we have respect for the cop, but he was our friend, if you will.

Mr. MOFFIT. Right.

Senator LIEBERMAN. I am afraid there was a whole generation or maybe more than one that came along where the cop was almost like the invading army and an outsider in a car, almost like a tank. You never saw him, but whatever he was, he was not on our side. Talk a little bit about that.

Mr. MOFFIT. I would like to talk a little bit about that. I mean, there are a lot of reasons why. Some of them are technical. Some of them are social.

But when you were growing up, and, frankly, when I was growing up, in my young life, I spent a fair amount of time in Center City, Philadelphia. The neighborhood policeman was an institution. The key thing was that the neighborhood policeman, the neighborhood cop, knew the people in the neighborhood, and even better, all the people in the neighborhood knew the neighborhood cop.

This had a profound effect on law enforcement. Because what it meant was that any time a crime was committed, the neighborhood policeman had an immediate access, in effect, to an informal intelligence service.

Senator LIEBERMAN. Right.

Mr. MOFFIT. We lost that. My view is that we have got to get back to that and there are a number of ways of doing it. I mentioned Charleston, South Carolina, in my testimony, and Portland, Oregon, where the local officials are trying to get the policemen to become members of the community that they serve. One way to do that is housing vouchers or low-interest loans, literally giving the police the opportunity—it is a voluntary program—to go back into the communities they patrol and become part of the community.

The key value of that, once again, is that the people in the community then have a stake in that policeman and that policeman has a stake in the community. It is an excellent idea. I do not think we ought to order the police to do this, but I think we ought to

make it an option, and in Washington, D.C., this is something we may want to consider or pursue.

Senator LIEBERMAN. And this is being used in some communities, like Charleston, with some positive effect?

Mr. MOFFIT. Yes. That is right.

Senator LIEBERMAN. I appreciate that. You make an interesting point, actually, about the way in which the old cop on the beat had his built-in intelligence network.

Mr. MOFFIT. Immediately.

Senator LIEBERMAN [presiding]. Most police I talk to will tell me, at home, certainly, in Connecticut, that the way that most crimes are solved is by getting cooperation, today, often paid for with cash, which is an acceptable form of law enforcement, but it is a cost that law enforcement did not have in the old days because the cop knew everybody in the neighborhood and was already able to break through and get information.

I thank you both very much. The Chairman has had to step out, but he has asked me to move on and call the next panel. We appreciate very much your testimony and your written testimony, and it will be helpful to the Subcommittee as we go forward. Thanks very much.

Mr. MOFFIT. Thank you, Senator.

Mr. WALLIS. Thank you, Senator.

Senator LIEBERMAN. Stay strong.

The final panel is the Hon. Carol Schwartz, District of Columbia City Council, and Dr. H. Beecher Hicks, Jr., Senior Minister of the Metropolitan Baptist Church. Thanks to both of you for your patience and for your willingness to be here. We are going to run the clock again at the 5 minutes, I guess.

Councilwoman Schwartz, you are first. It is good to see you again.

TESTIMONY OF CAROL SCHWARTZ,¹ DISTRICT OF COLUMBIA CITY COUNCIL MEMBER

Ms. SCHWARTZ. Thank you, Senator. It is nice to see you, as well.

I would like to thank the Senate Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia for the opportunity to testify today concerning strategies for fighting crime and violence in the District of Columbia. I speak to you today as an elected at-large member of the Council of the District of Columbia. Although the Council is doing much in the area of fighting crime and violence, and I hope you will ask me some questions about that at the end of my testimony so I can talk about it, I am going to concentrate my remarks on the death penalty as it relates to the killing of law enforcement officers.

First, let me begin by stating that I believe that local criminal law should be an area in which local communities ought to have the right to make their own decisions. My colleagues on the Council and I wholeheartedly agree on this issue and have not yet signed onto the President's plan for the District because of our concerns in this area.

¹ The prepared statement of Ms. Schwartz appears in the Appendix on page 153.

The 38 States that have enacted death penalties into the criminal law have done so based upon local considerations and circumstances. There are 12 States, like the District of Columbia, who have not enacted a death penalty statute. Yet the U.S. Congress has not intervened to impose death penalty legislation in any of those States.

I think it is safe to say that such an intrusion into the local affairs of those 12 States would be unthinkable to the citizens of those States and to the Members of Congress who represent them. Should we not all believe, as President Abraham Lincoln did, that "those who deny freedom to others deserve it not for themselves."

Members of the Subcommittee, I respectfully ask you to consider that the American citizens who are my constituents in the District of Columbia are like your constituents. All of our constituents possess the rights as citizens of a democratic society to determine their own local government affairs locally. Just because the Congress has the constitutional authority to enact legislation for the District does not mean they must exercise it.

While I personally support the death penalty, I believe that the District of Columbia should be free not to enact such a law if that is the will of the people. That is the essence of a democracy. The author, Eric Hoffer, once said that "the basic test of freedom is perhaps less in what we are free to do than in what we are free not to do." I agree with this statement.

I recently returned from Croatia, where I was privileged to be a member of the United States delegation that observed the elections there. It is a powerful experience to witness a people determining their destiny through the vote. The U.S. Government supports democracy in Croatia and throughout the world. The U.S. support for democracy worldwide contrasts sharply with how the District of Columbia is routinely treated by its own Federal Government.

This discussion also reminds me of news commentator Edward R. Murrow's observation that "we cannot defend freedom abroad by deserting it at home."

I support the death penalty for those who are convicted of murdering law enforcement officers. I firmly believe that our local law enforcement officers in the District of Columbia should have the same protections as other law enforcement officers who operate in the District, such as the Capitol Police, Park Police, Uniformed Senate Service, the Secret Service, and others.

The death penalty bill that the Mayor and I announced on April 21, 1997, is D.C. Bill 12-204, the Law Enforcement Officer Protection Amendment Act of 1997. That bill would provide for the death penalty in cases of murder of D.C. law enforcement officers. I support D.C. Bill 12-204 because I believe that it is critically important for the people of the District of Columbia to have an opportunity that is locally initiated to weigh in through the legislative process on this serious and highly complex criminal penalty.

As you may recall, District voters soundly rejected a 1992 Congressionally mandated initiative on the death penalty by a margin of 2 to 1. I know for a fact that many of the no votes were to Congressional interference rather than to the death penalty.

The bill recently proposed by the Mayor and myself will permit District of Columbia citizens to express their views on the death

penalty for the murder of law enforcement officers without being required this time to simultaneously register their views on the issue of Congressional interference in District affairs, but only if Senator Hutchison withdraws her bill, you deep-six it, or you vote it down.

I believe that the will of the people of the District of Columbia should prevail on this issue, whatever that may mean for the Mayor's and my bill. I am confident that the Congress of these democratic United States will respect the democratic rights of the over half a million American citizens who make their homes and dutifully pay their Federal income taxes here in the District of Columbia. Thank you.

Senator LIEBERMAN. Thank you, Ms. Schwartz. We will have some questions afterward.

Dr. Hicks, we are honored to have you here and look forward to your testimony now.

**TESTIMONY OF REVEREND H. BEECHER HICKS, JR.,¹ SENIOR
MINISTER, METROPOLITAN BAPTIST CHURCH**

Rev. HICKS. Thank you, Senator Lieberman. I am H. Beecher Hicks, Jr., Senior Minister of Metropolitan Baptist Church in the District.

Ordinarily, I would say that I am happy to testify before the Senate Oversight of Government Management, Restructuring, and the District of Columbia Subcommittee, but I am not. I am truly saddened by the events which make this testimony necessary, and at the same time, I am unalterably opposed to S. 294 for a number of reasons which will shortly be apparent.

Let it be clear that I share the broken heart of the entire community because of the recent death of three District of Columbia police officers and the suffering and pain it has caused to their families. More to the point, I am extremely sympathetic to the family and friends of anyone who is slain. The nature of my ministry causes me to be in a caring relationship with all who know the anguish of unredemptive grief. My job is to walk weekly to the cemetery, there to bury the sad remains of this social insanity.

Even within that context, however, my position against the death penalty is a longstanding one, a position which I trust will be taken seriously in this significant body.

In 1992, Congress tried to impose the death penalty on the District of Columbia, but the late D.C. City Council Chairman David Clarke, the Rev. Al Galbin, and I organized area ministers against the manufacturers of semi-automatic weapons. Our group was responsible for the "Thou shalt not kill" posters that were visible throughout the District. Five years ago, we mounted this campaign with the help of other groups, and by an overwhelming majority imposed economic consequences upon the manufacturers of the weapons of death that caused blood to run in the streets of our city.

It is a strange and curious circumstance which leads to a discussion of the death penalty before this Subcommittee of the U.S. Senate. It is also a strange and curious philosophy which posits that

¹ The prepared statement of Rev. Hicks, Jr. appears in the Appendix on page 156.

by killing killers, we shall stop killing, that one act of savagery justifies the next.

The reasons for my opposition to the death penalty are as old as the Mosaic Torah and are the same in the instance of the death of a police officer or of a private citizen. The same injunction which was placed throughout this community in 1992 is the same injunction which must be given today, thou shalt not kill.

This entire discussion fails to take into account the culture of violence which has given rise to a segment of our population which has no value for life. While three police officers have regrettably lost their lives and while it is at least politically expedient for some to suggest that police are being deliberately targeted for death, it is also true that similarly innocent persons in the larger populous have lost their lives through drive-by shootings, gangland style murders, and acts of domestic violence which have literally caused blood to run in the sewers of this city. Is one death more important than the next? I think not.

We must respond most forcefully to those conditions which occasion irrational thought and unthinkable behavior—joblessness, homelessness, drugs, hopelessness, and a whole myriad of social diseases which affect this community and so many others throughout this land.

I am opposed to the death penalty because of the frailty of our humanity. All of us are fallible, none of us more perfect than the other. We do not have a perfect criminal justice system. We have only to remember cases of prisoners being released after years of incarceration because of DNA tests that proved them innocent. The recent allegations of tampering with evidence by criminal justice authorities makes it difficult, if not impossible, to place total faith in a system operated by mere mortals and, therefore, subject to critical flaw. Capital punishment leaves no margin for error. Its consequences are mortally severe.

You are aware of the typical arguments against capital punishment. There is no credible evidence that the death penalty deters crime. States that have death penalty laws do not have lower crime rates or murder rates than States without such laws. States that have abolished capital punishment or instituted it show no significant changes in either crime or murder rates. Like it or not, in reality, such laws will do nothing to protect the citizens or communities from the acts of dangerous criminals.

The issue at hand, however, is far more compelling and enticing. All reasonable persons would argue for the most elaborate protection of those who protect us. Nevertheless, for death penalty laws specifically imposed for the murder of a police officer, there is no evidence that police officers are murdered at any lesser rate in States that do not have that law.

In fact, according to the National Law Enforcement Officers Memorial Fund, Texas ranked fourth in the Nation in 1996 in the number of police officers killed, second in 1995, third in 1994. According to Law Enforcement News, prior to the statistics above, from 1988 through 1993, Texas ranked No. 1 in police killings. Therefore, if the death penalty for police officers did deter these murders, the statistics for Texas, the great State of Senator Hutchison, would be a less striking phenomenon.

The unvarnished truth of the criminal justice system in America reveals that the death penalty has a disparate impact on African-Americans. Since the revival of the death penalty in the mid-1970's, about half of those on death row at any given time are of African-American descent. During 1996, of the 3,200 prisoners on death row, 40 percent were black. These statistics are compiled nationwide, where African-Americans are approximately 12 percent of the population. It is not that people of color commit more murders. It is that they are more often sentenced to death when they do.

Poor people are also far more likely to be death sentenced than those who can afford the higher cost of private investigators, psychiatrists, and expert criminal lawyers to be used in their defense. Some observers have pointed out that the term capital punishment is ironic because only those without capital get the punishment.

I personally oppose the death penalty. I am here today because I believe the residents of the District of Columbia have an inalienable right to make that decision for themselves. Only those who are elected and accountable to the citizens of the District of Columbia have the moral imperative to make the decisions which are so important and so dire.

That we face a crisis, there is no doubt. This is not a foreign enemy invasion. It is an internal pathology, which, though unacceptable, is no justification for an exacerbation of amoral punishment, the ultimate act of incivility.

In this time of crisis, we must seize the opportunity to be firm and resolute as we deal with crime but sane and civil with the treatment of those who are the perpetrators of crime. The quality of mercy must not be strained. Let there be no equivocation in my position. Thou shalt not kill.

Senator LIEBERMAN. Thank you, Dr. Hicks, and Councilwoman Schwartz. Obviously, you have both spoken against the grain, if you will, of previous testimony, but this does not come as a total surprise to the Subcommittee. We appreciate that you are here. This process works best when we, if you will allow me to say this, Dr. Hicks, when we do not only hear a chorus of "amens," but when we are challenged to hear all sides, and I appreciate the eloquence with which you both spoke.

Senator BROWNBACK [presiding]. Thank you, Senator Lieberman. I apologize. We just had a major issue that I had to take care of.

If I could ask quickly and directly, Councilwoman Schwartz, you heard Senator Hutchison testify, saying, "Look, I am willing to allow the city to go forward." You are a supporter of capital punishment for protection of police officers. You heard her say something about somewhere around a July 1 time frame. Is that a reasonable time frame to give the city the time to act on this issue?

Ms. SCHWARTZ. Well, it really is not a reasonable time frame, and what concerns me about this—if you do not mind, let me tell you a true story.

Senator LIEBERMAN. In your absence, Mr. Chairman, Councilwoman Schwartz advised us to deep-six Senator Hutchison's proposal.

Ms. SCHWARTZ. That was a choice. Either vote it down, deep-six it, or have her withdraw her bill, which unfortunately, she does not seem amenable to doing.

But let me tell you a true story. In 1992, I mentioned to you what happened with the Senate initiative on the death penalty, and unfortunately, Senator Brownback, you did not hear my testimony, but in my testimony, I stated that defeat of the death penalty, which was by a 2-to-1 margin, I do believe it would have probably been more like 50–50 had it not been for the whole Congressional interference discussion that went on around it. I actually know people who voted against the initiative even though they favor the death penalty because of the Congressional mandate that required us to deal with the issue. So you have to realize, in any discussion that takes place in D.C., you—the Congress—can make or break it by what you do up here.

Now, here is where I am going to bring in my true story. I came back from Officer Gibson's funeral on February 10 and I was very emotionally disturbed by that, as I am with each of these tragic deaths we face in our city. I walked into my office and I said to my staff, I am going to commit political suicide in this town, and you have to realize, most of my staff are against what I was proposing, but I said, I am going to commit political suicide, but I feel strongly enough about this issue that I want to propose legislation which would provide for the death penalty for those who kill law enforcement officers. That was on February 10, right after the funeral.

About an hour and a half later, one of my staff members knocked on my door and said that Kay Bailey Hutchison just offered a bill in the U.S. Senate to impose the death penalty for those who kill police. I said, oh, shoot. I actually said something a little stronger than that, which I will not relate here, but I thought, oh, darn. Here goes any chance that I might have to get a local discussion going on this very important issue without having the whole discussion of Congress getting itself involved. So I put it on the back burner.

Then as the days and weeks went on, I started getting really mad, because I hate it when Congress tells me what to do, and if you were in our shoes, you would feel the same way, and I want to say just one thing on that. You mentioned that Senator Hutchison, I think, made a good point today when she said that the Congress is the District's State and States tell local jurisdictions what to do.

But the difference is, in States that are telling local jurisdictions what to do, those local jurisdictions have a vote in their State legislatures, so they have representation. We do not have voting representation in our "State," the U.S. Congress, and that is a big inequity which has been long, very hurtful, and legitimately hurtful in our citizens' feelings about you all looking out for us.

But anyway, I put this on the back burner because I thought, there goes any opportunity we will have for this discussion, which I favor. I probably favor it as passionately as Senator Hutchison or each of you favors it. And yet, I wanted to see that local discussion, even though I knew it was not a popular one here in my home town.

As the days and weeks went by, I started thinking, as much as I hate Congress telling me what to do, I also equally hated it that I was allowing Congress, my feelings about Congress, to keep me

from doing what I wanted to do. So then I started talking to the Mayor and we came out on our own.

I do think it is interesting that Marion Barry and I, who between the two of us, in 1994 got 98 percent of the vote for Mayor. He got 56 percent. I got 42 percent. We have come out together on this same issue. I wish Congress would back off long enough for us to have a real good local discussion on this without the hammer over the head of a July date or a blank date.

Senator BROWNBACK. Ms. Schwartz, what length of time is, then, reasonable for you to have a real discussion about this? What would it be?

Ms. SCHWARTZ. I understand from the Chair of the Judiciary Committee that he does plan to hold a hearing on this issue in June. It is possible for the Council to either vote it up or down by July, but I doubt if that will be the case because I do not think necessarily the votes are there, so it is not going to be pushed very strongly.

I, then, would consider doing an initiative, a locally initiated initiative on this issue where the voters could speak if the Council does not do it. That does take some time. You have to get an initiative on the ballot. You have to get all the signatures that are needed and then there would have to be an election, and we are having some special elections coming up.

So I would say the end of the year is far more reasonable than the July date. But there again, I deeply regret the hammer that I felt Senator Hutchison put over our head today, that if you do not do this by July, we are going to do it. Now, all of a sudden, this good local debate is now going to get refocused away from what it should be focused on and back up here to the U.S. Congress.

Senator BROWNBACK. I hope you will go ahead and conduct a local debate in spite of the background noise in the U.S. Congress, but that you will have a good local debate on it.

Dr. Hicks, could I ask you, and I understand from your written testimony your position and the heartfelnness of that position, from you putting that forward in writing in your comments. Let me ask you, though, what creates in our culture a situation, the same thing I have asked these other people, where we have had three police officers stalked and killed in the District in 4 months. Is there something that can be done to change that culture? You disagree with one answer here. What else is there?

Rev. HICKS. My disagreement is primarily with the death penalty as an answer to the pathology. I am not sure that any of us have a total solution to it. We heard testimony earlier with regard to the change that needs to be made in the educational system, which speaks to the issue of trying to bring about civility as a matter of changing persons' moral behavior.

I represent a particular philosophy of life which says that we are able within the church to shape people's minds and to mold behaviors. We also believe that parents in their homes have a great responsibility to mold the moral values of children, and, therefore, to control their behaviors.

Nevertheless, the reality is that our culture is of such—in fact, we live in a culture of violence. We not only have the “Beavis and Buttheads” that are on television and “The Simpsons” and all of

the rest which espouse incivility, which espouse the kinds of behavior which are certainly anti-social. We have developed a whole mindset within this country that says that killing and murder and death are something that are to be accepted within the society.

That is why every movie that comes out from Hollywood supports it. That is why almost everything we watch on television applauds it. That is why we spend billions upon billions of dollars within the U.S. Senate and the House of Representatives in order to manufacture weapons of war and death. And while I understand the necessity to protect the land, at the same time, we have sent out another message to the entirety of the world that we will be a people who live by the instruments of death.

I say to Council Member Schwartz, we are not in a position where we can accept either suicide or homicide. Neither is an acceptable alternative. The issue within the District of Columbia is that the District residents have already held discussions on this issue and have already exercised their right to vote by telling us that they are, in fact, opposed to the death penalty, that, in fact, they are opposed to the manufacture of semi-automatic weapons.

The reality is that we can debate this *ad nauseam* and we still will come up with the same response, because I thoroughly reject the idea that the only reason why the death penalty issue was rejected by the citizens of the District of Columbia had to do with the fact that Congress was intervening. Of course, that was a part of the process, but at the same time, underneath everything that you see in Washington, D.C. are a people who are civil, are people who are moral, are people who are law abiding, are people who are church going and who are God believing and who, therefore, reject on a moral ground this whole idea of a death penalty as a means of exercising control over whatever anti-social behavior there is within the community.

It simply seems to me that we need to find other ways to correct the social ills that bring about the problems that we have. Do I have a crystal ball that will tell you what that will be? Obviously not, but we must work together in order to be agents of life and not the agents of death.

Senator BROWNBACK. You make a very passionate and very clear and good response. Studies certainly support the concept that capital punishment, while it may be beneficial, it may not, I mean, they do go back and forth on it, and I do not hold it as the "be all and end all" answer to a culture that tolerates this sort of situation. Yet, we are all groping. You cannot let this type of activity continue.

Rev. HICKS. Nor can you permit it to be a knee-jerk reaction to the fact that we have had three deaths, which are regrettable, and we understand that and our hearts go out to the families. Nevertheless, there are countless others. The body bags are not just of police officers. The body bags are of butchers or of bakers, of children, of parents, of grandparents who have been taken away to the morgue by the same kind of insanity.

So the solution is not to respond to the needs of one segment of the population, but to the entirety of the issue.

Senator BROWNBACK. Then what do we do?

Rev. HICKS. We have got to attack it on all fronts. We cannot attack it in this one manner. If this one manner were to solve the issue, then I would agree with you, but it will not. It must be a comprehensive response to the problem and not an isolated response.

Senator BROWNBACK. When you can identify the specifics of our comprehensive response, or maybe you will be willing to look at the package of ideas that we will put forward for the District of Columbia, for the schools and for the areas of crime and for the areas of economic growth and development and for the overall areas of what we can do to revitalize this system.

But, you know, there is one thing we cannot do here from Congress. There are many things we cannot do from here in Congress, and that is really work on the soul. That ultimately is where we get at, and I hope you are having a great growth and revival taking place in your church and throughout this community because that is your job and not ours, and—

Rev. HICKS. It is a matter of soul, but sometimes it is also a matter of some real mundane kinds of things. In other words, we see that in the District, for instance, that the money for the youth program for the summer has been cut out and it looks as though we will not be able to have that money. The one program that we had in this city that was about the business of trying to save the lives of young people in the District of Columbia is now being ripped apart, primarily because of the initiatives by the Control Board and others to bring the city back into line financially. I understand that.

At the same time, we are being asked in the churches to then take the young people and find something to do with them in order to give them the kind of support that they will need. These children are about to be put back out on the street, where they need to be employed, they need to be in churches, they need to be in synagogues, they need to be in other kinds of agencies where they can be trained and where they can be taught the lessons of civility.

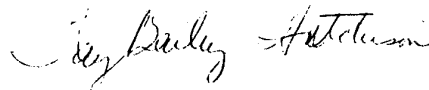
But if the very foundation upon which we are seeking to build is destroyed and is taken from us, then I am afraid, Senator, that we will find that our problems will be exacerbated rather than relieved.

Senator BROWNBACK. Thank you for your testimony, and both of you, as well.

I thank everyone for attending. I appreciate it and we will have further hearings on the District of Columbia. The hearing is adjourned.

[Whereupon, at 4:35 p.m., the Subcommittee was adjourned.]

A P P E N D I X



TESTIMONY OF SENATOR KAY BAILEY HUTCHISON

before the Senate Governmental Affairs Committee,
Oversight of Government Management, Restructuring and the
District of Columbia Subcommittee
April 30, 1997 Hearing

Mr. Chairman, thank you for taking my testimony today and that of Mrs. Tracie Gibson, whose husband, Officer Brian T. Gibson, was tragically slain last February. This horrifying violent crime must not be tolerated, especially on the streets of our nation's Capitol.

As you know, violent crime in the District of Columbia has increased by ten percent while most other major cities saw their murder rates decline. I appreciate your work and that of the subcommittee in investigating the crime problem in DC and proposing solutions.

Following the senseless murder of Officer Gibson, I introduced the "Officer Brian Gibson District of Columbia Police Protection Act" in the Senate (S. 294), which would make the murder of a District of Columbia a capital crime. Specifically, the bill would allow a jury to impose the death penalty for the first degree murderer of a DC law enforcement officer.

I am especially concerned about the targeting of police officers as murder victims. Over the last five years, the rate of murder of officers in DC compared to the previous ten years has increased by an alarming 1000%. But numbers cannot convey the most horrifying aspect of this problem. Officers are being murdered precisely because they are officers. Officer Gibson was in uniform in a squad car when his murderer shot him in the head and neck. Last Saturday, Officer Johnson was murdered in cold blood. This officer had identified himself to his assailant as an officer. These were not accidental deaths. These deaths did not occur during a chase. Criminals purposefully ambushed these men. Since 1993, seven officers have been ambushed and killed in the District. I say enough is enough.

I am pleased that Mayor Barry and Councilwoman Carol Schwartz have offered similar legislation to the DC City Council. I hope that the Council adopts the legislation and have told the Mayor that I will readily stand aside to let that process unfold.

Regardless whether this is city or federal legislation, we should stand by and watch no longer. We must ensure that this nation's capital is the model city it was intended to be. We must do everything we can to protect our officers, citizens and the twenty million visitors every year to Washington, DC.

My chief reason for introducing legislation was to ensure that DC police officers have the same protections as all other officers in the metropolitan area. The murder of an officer in Maryland and Virginia is a capital crime. The murder of Capitol Police, and other federal officers responsible for protecting the citizens of this city, are capital crimes. The only officers in the metropolitan area whose murder is not a capital crime are DC officers. DC officers take the same risks to protect our lives in the District and are owed no less protection than federal officers. It is time that criminals are told that no matter what badge an officer wears, the potential penalty is death.

My legislation also brings the District into line with the thirty-eight states that already have capital punishment. Thirty-three states specifically protect their officers with this penalty. Imposing the death penalty for murderers of police officers sends the unequivocal message that this crime is so abhorrent that nothing short of death is the appropriate penalty.

I know that many citizens with the best intentions oppose the death penalty. In 1992, in a referendum voters rejected a proposal to adopt the death penalty in the District. Nevertheless, I believe that circumstances have changed. Since that vote, 8 officers have been murdered in the District. Worse -- seven of those officers were murdered by *ambush*. In the last 3 months, three

DC officers have been ambushed by criminals who knew they were policemen. Clearly, these drastic circumstances cry out for decisive action. In addition, what I have proposed -- and what Mayor Barry has proposed -- would not impose a blanket penalty of death for all murders in the District. Rather, the proposals are specifically targeted at the murder of police officers. Under these changed circumstances, I am not convinced that a majority of the citizens in the District of Columbia would not vote in 1997 to impose the death penalty on the murderers of police officers.

I am greatly relieved that the Mayor has decided to take the lead on this issue. And while I certainly support his efforts, I might point out one difference between our proposals. My bill protects DC officers on and off duty, while the Mayor's bill protects officers *in the line of duty*. This distinction has already been shown to be critical. We just watched with horror the most recent ambush and murder of Officer Robert L. Johnson last Saturday night. Officer Johnson was waiting with another officer outside the 6th District station after work. They had identified themselves as policemen to the man who then attacked and killed Officer Johnson. This man knew he was attacking police officers. He would face the death penalty under my legislation. However, under Mayor Barry's proposal he would not, for the simple reason that the officers were off duty. The problem goes beyond this most recent murder. Many DC officers work as security guards during their off duty hours. My bill would protect these officers.

I remain nevertheless hopeful that Mayor Barry and the City Council will give DC officers the same protection as all other officers who protect our lives in the District of Columbia. We must send one message to murderers of a police officer of the District of Columbia: if you dare to take the life of an officer, you must be prepared to give your own life in return.

**DISTRICT OF COLUMBIA FINANCIAL
RESPONSIBILITY AND MANAGEMENT ASSISTANCE
AUTHORITY**

STATEMENT OF THE VICE CHAIRMAN

Stephen D. Harlan

**Before the
Subcommittee on Oversight of Government Management,
Restructuring and the District of Columbia
Committee on Governmental Affairs
United States Senate**

April 30, 1997

For Release Upon Delivery

Good afternoon. I am Stephen D. Harlan, the Vice Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority (Authority). I appreciate the opportunity to testify on the Authority's actions concerning the operations and management of the Metropolitan Police Department (MPD).

In the Authority's strategic plan, released on December 12, 1996, we recognized "that public safety is a prerequisite for a stable, vibrant community, and that crime of all kinds must be reduced." The Authority also pledged to work with the Metropolitan Police Department, the Mayor, the District of Columbia Council, and other stakeholders to help create such a community.

Also in December, the Mayor of the District of Columbia, the Chief of the Metropolitan Police Department, the Chairman of the District of Columbia Council, the Chief Judge of the Superior Court, the United States Attorney, the Corporation Counsel and the Authority, entered into a Memorandum of Understanding (MOU) to improve the safety of District citizens, to reduce all types of crime, and to improve the quality of life in the District's neighborhoods. The goal of the MOU partners has been to seek not only the reduction of crime, but also the reduction of the fear of crime and general disorder. To make such improvements, MOU Partners agreed that immediate and sweeping change was needed in the MPD. Business as usual was not an option, nor was the undertaking of just another study. The partners were committed to ensuring that real change would occur. To that end, the partners agreed to hire a consultant to assist not

only in the review phase of the MPD project, but also with implementing the recommendations.

On December 31, 1996, the Authority, on behalf of the MOU Partners, contracted with the firm of Booz-Allen & Hamilton, Inc., to conduct a comprehensive review and make recommendations concerning the MPD's organization and operations. The consultants began their work on January 6, 1997, and initially they were due to issue preliminary findings and recommendations by March 28, 1997. However, in response to a growing need to take action immediately against crime, the Authority accelerated the time frame for releasing the preliminary findings and recommendations.

On February 26, 1997, based on the consultant's preliminary findings, the MOU Partners revealed that the police department has been suffering from deep cynicism, low morale, and poor management, and that it lacked a clear vision and common purpose. The major findings of the consultants, all of which were disturbing, included:

- Crime and fear of crime are unacceptably high -- a state of crisis exists;
- Less than 10 percent of officers are currently assigned to scout cars;
- Two-thirds of the MPD officers make 10 or fewer arrests, and half of these officers made no arrests at all;

- Salary levels average 14 percent lower than surrounding jurisdictions;
- The MPD is not organized to deliver necessary police services in the District of Columbia.

The Partners concluded that bold actions must be taken immediately, including the empowerment of the Office of the Chief of Police. The Chief must have control over promotions and demotions, and he must have the ability to remove non-performers. To that end, on February 26, 1997, the Mayor delegated his personnel, purchasing, and budget authority to the Office of the Police Chief. The Partners also agreed that several crime fighting strategies should be implemented immediately. These strategies focused on the elimination of open-air drug markets, violent crimes, the violence and disorder associated with some nightclubs, and quality of life crimes, such as public urination, drinking alcohol in public, and traffic violations.

Mr. Gary Mather, of Booz-Allen & Hamilton, and Chief Soulsby, will report on the consultants baseline findings and the details of what has occurred since the police initiative began. However I can report that the Chief has--

- Developed a new mission for the MPD, which calls for the department to eliminate crime and general disorder, while establishing respect and trust within the community;
- Established a new leadership team in the MPD;
- Promoted 39 Sergeants, 21 Lieutenants and 6 Captains;
- Redeployed 400 sworn officers to deal with crime and the fear of crime; and
- Formed an MPD internal team to work with the MOU partners' consultant to develop a new policing model.

Already, the MPD has achieved several positive results, including--

- A significant increase in morale throughout the department;
- An improvement in the community's perception of the MPD's ability to target crime, fear, and disorder;
- An increase in the number of arrests, which have more than doubled since the recent officer deployment actions were taken;

- A decrease in the number of homicides for the first quarter of calendar year 1997 --the lowest quarter in reported homicides in a decade.

Mr. Chairman, I would be remiss if I did not take this opportunity to discuss the importance of a pay raise for MPD officers. As I noted earlier in my testimony, MPD officers are paid, on average, 14 percent less than officers in the surrounding jurisdictions. Some officers in the surrounding jurisdictions are paid as much as 22 percent more than the District's officers, and yet, the MPD officers work in a difficult and dangerous environment, placing their lives on the line every day. In the first four months of this year alone, three officers have been murdered.

Chief Soulsby has proposed, and the MOU partners have agreed, to a 10 percent pay raise for the MPD officers. A 10 percent pay raise, costing a total of \$8.8 million for the second half of fiscal year 1997, would bring the officers closer in line with the average salary of the surrounding jurisdictions. This pay raise, which would be tied to performance standards and changes in work rules, is important to sustain the improved performance of the MPD officers.

All of the MOU partners are carrying out responsibilities to reduce crime and the fear of crime in the District of Columbia. For example, the Authority is supporting the Chief in modifying personnel procedures to improve accountability.

The Mayor has delegated his powers over the police department to the Office of the Chief of Police. The Council is taking action to replace the 45-day rule with 120 days; considering money bail reform legislation to reduce the so called revolving door, and introducing legislation to establish a fund to cover costs associated with boarding up vacant buildings. The Superior Court is streamlining court processes for police officers, and is assessing the probation process. The Corporation Counsel is training police officers, and reviewing the juvenile justice system to reduce youth crime, violence, and reduce youth recidivism.

Finally, the United States Attorney, who is the local prosecutor, is designing legal training for police officers, considering moving to "night papering," which would require the availability of both prosecutors and judges, and designing performance evaluations that measure an officer's effectiveness as a witness and case-building abilities.

Mr. Chairman, other witnesses can discuss more completely their specific responsibilities and goals under the memorandum of understanding. The MOU partners continue to meet regularly to monitor progress and inform each other of the steps they have taken to advance the MOU objectives since the previous meeting. Of course, to be completely successful, this partnership must include the support and cooperation, where required and necessary, of the Congress.

Before I conclude my statement, I would like to note that, in an effort to learn about best policing practices, some of my fellow MOU partners and I have visited Chicago, New York, and Boston police departments and held meetings with police chiefs, U.S. attorneys, academics, and many other criminal justice officials. These cities provide clear examples of the accomplishments that can be achieved with a strong partnership between police, other relevant government agencies and the public.

In Boston, for example, as a result of innovative approaches to crime fighting and the cooperation from other agencies, no juvenile under 17 has been slain by gunfire since July 1995, and homicide for youth under 24 is down by more than two-thirds. New York's police department, which was once plagued by corruption and scandals, is now recognized as a model police department. New York has experienced major crime reductions in every area of the city. Overall, major crime is down 39 percent, and homicide is down 49 percent since 1993.

Finally, with your permission, I would like to submit for the hearing record an editorial I wrote last month for the April 27, 1997, edition of the Washington Post. The point I want to make is that, as illustrated by the recent experiences of other major cities, it is possible to restructure the MPD into an organizationally sound, managerially capable, well-trained, and expertly-led agency that makes crime control its number one goal. What other cities have done – we can do.

I look forward to working with you, Mr. Chairman, and the members of this Committee, as we seek to further our overall goals of reducing crime and the fear of crime in the Nation's Capital.

This concludes my formal statement. I would be happy to answer any questions you and other members may have.

We Can Cut Crime

By Stephen D. Harlan

Sunday, April 27 1997; Page C07
The Washington Post

Residents of some of the nation's largest cities are discovering that crime rates overall and homicide rates in particular aren't always destined to rise. Crime can fall markedly -- sometimes dramatically. The police can devise and deploy inventive approaches that successfully combat crime. They can enforce the law and be seen to do so in a way that contributes to the public's sense of well being. They can change from ducking responsibility for crime control to being accountable for it.

This is a message of hope for crime-beleaguered citizens of the District if the Metropolitan Police Department can become as resourceful and determined as some of its counterparts. I believe it can.

Last December we formed a police memorandum of understanding (MOU) partnership consisting of the police chief, the U.S. attorney, the chief judge of the Superior Court, the corporation counsel, the city council, the mayor, and the D.C. control board. The partnership was formed to reduce crime, fear of crime and general disorder.

Some of my colleagues and I on the MOU partnership visited Chicago, New York and Boston police departments and held meetings with police chiefs, street officers, U.S. attorneys and many other criminal justice officials. The purpose was to identify crime-control programs that work and that our department can adopt. We are also getting plenty of good ideas from District community groups and citizens that we meet with continuously.

We have learned that police departments can change and succeed. For example, earlier in this decade, the New York City Police Department was no one's model for success. In a description that may sound familiar to Washingtonians, the department had corruption scandals and "a mile-high hierarchy in which the underling strove above all to protect his superiors from embarrassment," author James Lardner wrote in the New York Times. "That was then. Now this same department is everybody's favorite exemplar of purposeful efficiency."

Why the change? Major crime is down 39 percent, and homicide is down 49 percent since 1993. The city has a new, hopeful attitude about itself and its expectation for public safety. At least part of the major drop in crime is being attributed to police department initiatives.

One of these targets minor lawbreakers -- people drinking alcohol on the street, urinating in public, hustling motorists for change and committing other infractions that contribute to a sense that the law-abiding have lost control of the streets. Confronting these offenders yields several results. The police reap valuable information about drug dealing, gun trafficking and

other illegal activities. The criminally inclined are less likely to carry weapons. A sense that public places are safer develops.

Another police initiative, CompStat (short for computer comparison statistics), enforces managerial accountability for crime control. Once, New York's 76 precinct commanders were insulated from headquarters and the rigors of accountability for crime by layers of bureaucracy and, perhaps, by indifference. Now top department brass use weekly computer-generated precinct crime statistics to grill commanders about how they are using the increased discretion they've been given to control crime. Unprepared and unproductive commanders lose their jobs.

In Boston, no juvenile under 17 has been slain by gunfire since July 1995. Homicide for youth under 24 is down by more than two-thirds -- from 40 to 12 -- for the past year. Boston's achievement is an instance where the police department and its allies in other city agencies and state and federal law enforcement are able to work together successfully. A joint effort called Ceasefire focuses on controlling gangs and guns. The experience of the police department's gang unit is that youth homicide is a gang problem involving repeat offenders.

One part of Boston's effort began with a proposal by Robert Frataglia, a police detective, and Bill Stewart, a youth probation officer. They proposed to let unarmed probation officers ride with police officers in patrol cars. Unlike the police, probation officers do not need probable cause to stop young people on probation or to enter their homes. They can arrest youths seen violating terms of probation. They recognize gang members who likely are on probation or parole. They can help see to it that probations are revoked or extended for young people who stray into gang violence.

In Chicago the police department has established an easy-to-use computerized mapping system to help officers analyze and solve neighborhood crime problems. Beat officers in the city's 25 police districts generate maps of timely, accurate crime data for their beats and sectors, and quickly target and go after hot spots of criminal activity. The system allows the police to share crime information with communities working with the police as part of the department's community policing program.

Abandoned vehicles and buildings, trash littering the streets, graffiti and other signs of decay and disorder in public places are thought to contribute to crime and the public's fear of crime. As another part of Chicago's community policing program, the police can call on appropriate city agencies to remedy these problems -- towing away derelict cars, for example, or removing graffiti -- and hold those agencies accountable for following through. They route their requests through the Mayor's Office of Inquiry and Information, which issues weekly status reports on how requests have been handled. In four years, 90,000 police requests have been fulfilled.

Not all successful anticrime programs consist of one or two clearly defined initiatives. Some are a coordinated bundle of efforts. Call up the Dallas Police Department's Web site on the Internet and you'll find eight pages describing individual pieces that make up the agency's community policing program -- pieces such as mobile storefronts, partnerships with minorities and business people, Crime Watch programs for children, apartments and businesses, measures to combat graffiti, programs to protect older citizens from rip-off artists, and a late-night basketball program for young people that is funded by a local bank.

Overall, crime has dropped almost 40 percent in Dallas during the past eight years. Homicide was down 21 percent last year. Chief Bennie Click attributes much of the decrease in crime to the cumulative effect of the incremental efforts that constitute community policing in Dallas.

The lesson for the District from these other cities is that the police can attack crime and that crime rates, including homicide rates, can fall, even plummet.

In our police department, I believe we have commanders like those in New York who will step up and accept accountability for crime control. I believe we have officers like Boston's Detective Fratalia whose crime-fighting ingenuity we must unleash. I believe we can replicate successful programs such as those in Chicago and Dallas and even devise our own ground-breaking programs to control crime. All this is possible if we are able to restructure the Metropolitan Police Department into an organizationally sound, managerially capable, well-trained and expertly led agency that responds effectively to the needs of all citizens and makes crime control its No. 1 goal. I am convinced we can do it.

The writer is vice chairman of the D.C. control board.

Testimony

**Fighting Crime, Fear and Disorder in the
District of Columbia with a New Policing
Model**

Presented to
Senate Committee on Government Affairs
Subcommittee on Oversight of Government Management,
Restructuring, and the District of Columbia

April 30, 1997

by Gary Mather
Senior Vice President

BOOZ·ALLEN & HAMILTON, INC.

STATEMENT of GARY MATHER
SENIOR VICE PRESIDENT, BOOZ-ALLEN & HAMILTON, INC.

Good afternoon, Senator Brownback, members of the subcommittee, and ladies and gentlemen. I am Gary Mather, senior vice president of Booz-Allen & Hamilton. I have overall responsibility for our firm's efforts to help transform the Metropolitan Police Department of the District of Columbia.

With me is Chips Stewart, a former police executive and official of the Department of Justice. Chips is a principal with our firm and is leading that part of our work dealing with police operations.

We appreciate the opportunity to tell you about the ongoing transformation of the Metropolitan Police Department. Our work with the department is one of the most challenging and gratifying assignments we have ever had. I hope my testimony is able to convey some of the sense of reward we feel in helping to restructure one of the nation's most important police agencies.

We are here because of the concern of District of Columbia's Financial Control Board with high rates of crime and violence and related quality of life issues. At the beginning of the year, the data showed that violent crime was driving people and businesses from the city and eroding its tax base. The image of the nation's capital at home and abroad was one of a city besieged by crime and disorder.

Booz-Allen was one of several firms contacted by the Control Board in an effort to change the department. Control Board members tell us Booz-Allen was chosen to help effect change because we could do more than just provide another study of a troubled police department. We could not only diagnose the department's ills, but we could also work with the department on a daily basis to drive the changes required to reduce the number of violent crimes committed -- and do it quickly.

The control Board recognized from the beginning that reducing crime involved more than just the police department. Its first step was the

formation of a Memorandum of Understanding (MOU) among the leaders of government bodies that had to be an integral part of the effort.

The MOU partners included the Mayor, the City Council, the Chief of Police, the U.S. Attorney, the Chief Judge of the D. C. Superior Court, the Corporation Counsel, and the Financial Control Board.

The decision by the board to include all these players was one of the key reasons why the current effort has been successful.

The MOU partners identified two objectives:

- Reduce crime, fear and disorder in the District of Columbia
- Improve the operating effectiveness of the department

Following this formulation by the MOU partners, Booz-Allen officially began our work about three months ago. I will now spend a few minutes summarizing highlights of our progress.

The initial phase of the project sought to do two things:

- First, confer with all the MOU stakeholders to learn their objectives and points of view.
- Second, develop a baseline or profile of the department as it existed early this year.

What we found from the stakeholders was not particularly surprising. By far their greatest concern was the numbers of crimes committed in the District and the department's relative effectiveness in reacting to crime as judged by such traditional measures as response time to 911 calls for emergency service and numbers or arrests.

It became quickly clear that the mission of the department needed to be more than reactive; that it must include as a primary focus reducing crime and the fear of crime. Such a focus would constitute a major change from what was current practice.

The purpose of the baseline survey was to delve into the department and gather detailed and extensive data on how it was operating. Our final baseline report was around 250 pages long. I will briefly summarize what it says.

First, the Department's Mission.

When we started our survey, the department's primary focus was law enforcement -- that is, responding to 911 emergency calls, taking repairs and pursuing and arresting criminals after they had committed crime.

We recommended that the department's mission should shift to concentrate on crime prevention and reduction and, as important, reduction of the fear of crime which affects the quality of life for the District's residents and visitors.

Second, Relationship with the Community.

We found that the department had a great deal of interaction with the community through many different forums but the focus was mostly on listening to citizens and responding to specific complaints.

We recommended that MPD needed to work proactively with the community in the development and execution of crime control strategies much as many of the nation's leading police departments are already doing. We said, "Don't just show up at community meetings. Push an agenda that sets neighborhood crime reduction priorities."

Third, Crime Analysis

The department's crime analysis focus had been mostly on tracking what happened instead of using crime data to formulate strategies to prevent crime before it occurs.

We recommended that crime control strategies must be a primary product of crime analysis at all levels of the department, from headquarters to the district level and right down to the beat. Beat officers are the ones who need real time data to formulate specific crime prevention plans for their beats. Such now occurs regularly, for example, in Chicago.

We found that most of the time beat officers were not even exposed to data on crimes occurring on their beat. They had no kind of analysis that would help define how to respond.

Fourth, Patrol Deployment.

One of our most significant findings was in the area of deployment of people and operations. At the time of the baseline survey, about 16 percent of the department's sworn officers were available for patrol. The remaining officers were being used for a range of other activities, thereby being diverted from the core police function of street patrol.

We found myriad centralized operations where many officers spent the majority of their time inside headquarters or buildings housing the seven districts. The operational paradigm was one of the officers responding to crime as report takers rather than actively engaging the community to prevent it.

We recommended a massive reallocation of resources to triple the numbers of officers focused on patrolling beats. We also suggested that specialty operations such homicide, narcotics and other units be minimized at headquarters and be deployed within the beat structure. This suggestion was not necessarily that personnel assigned to these specialties be placed in patrol, but that they become associated with beats where they could develop a hands-on appreciation for a specific areas of the city.

Fifth, Organization and Staffing.

We found many administrative jobs being performed by sworn officers that could be as easily outsourced or performed by civilians. An example is

district vehicle maintenance officer. In the districts, we found the focus of activities was the building housing the district and not the patrol beat. For example, one district had almost 100 people working in the building and only 280 on patrol.

We recommended a massive shift that reassigns sworn officers to duties only they can perform.

Sixth, Information Technology and Infrastructure, Equipment and Facilities.

This area is a major problem for the Metropolitan Police Department. We found that the department has been undercapitalized for some time.

We found also that much of an officer's time is spent filling out reports instead of policing because basic information technologies are lacking. It takes 4 hours to book and process a suspect in the District. Using information technology, officers in other departments take 15 minutes.

Much of the department's standard equipment is worn out or outmoded and in need of replacement in general. Cars are often not in working order. Facilities that have not received attention in years are in shambles in many cases and are a demoralizing factor for the officers who work in them.

A related technology issue is that there is no integrated booking system for the region. Crime in the metropolitan area is, to some degree, a regional matter that has to be addressed regionally through cooperation with jurisdictions in Virginia and Maryland. We suggested implementing a booking system such as the Joint Automated Booking Station (JABS) that is under development by the Justice Department.

Seventh, Performance Management

We found that performance reviews of officers have not been done for eleven years. Performance is not measured in any way except in the case of disciplinary action. There is no accountability for anyone in the department for specific crime reduction objectives.

We noted that performance measurement was critical to any organization and recommended that accountability for crime reduction should be a primary individual measure of success at all levels in the department.

Eighth, Department Budget

The District of Columbia is our nation's capital. In one sense, the city belongs to the citizens who live here. But many feel it also belongs to our country.

Violent crime in the District sends a signal to the world. If a nation is willing to let its capital be an unsafe place to live and thereby erode, then what does that say about the rest of the country?

We believe a vital question surrounds how the budget for Metropolitan Police Department is determined. Should it be determined solely by the economy and tax base of the local community or by what it takes to make the nation's capital a safe place to live and a model for other cities? Our

view is the latter. The Federal government should be directly involved with setting the necessary budget so the police department can successfully accomplish its mission becoming the “best-in-class,” one of the models for national testing.

I will finish my testimony by reviewing a few key issues that have received recent public attention.

First was the empowerment of the chief's position.

Three weeks into our assignment and after talking with a large number of people, one thing was clear. The position of Chief of Metropolitan Police Department did not have clear authority and responsibility for actions such as redeploying officers and hiring and firing.

We recommended that no strategy could be executed without first empowering the position of chief. The MOU partners and, in particular, Mayor Barry agreed and it was done the following week.

Next was building a team.

The department leadership team we encountered on day one was dysfunctional, riddled with politics, and in basic disagreement on future directions for the department. We recommended that the chief choose a team that would share a common vision of the future, put its members' personal objectives aside, and work together for the good of the department and the city. The chief acted promptly, replacing all deputy chiefs with executives who were viewed as team players.

Third, there had to be a clear demonstration that if the department headed in the recommended direction, it would make a difference.

The chief responded by assembling 400 officers and deploying them in the most crime- ridden sections of each district. As you will hear from the chief, violent crime dropped dramatically and quickly. This success was very important because it helped to create momentum and the belief that beneficial change could occur and that the department should continue embarking on its transformation.

Fourth was compensation.

Booz-Allen compared the compensation of MPD officers with that of officers in surrounding jurisdictions. The results were surprising. Across the board at all levels, MPD officers are paid at least 25 percent less than their nearby counterparts.

The job of the MPD officer is probably the most difficult in the region. The question arises: How can the department possibly attract the best talent necessary to combat crime when potential officers could go to neighboring communities and make more with considerably less risk? In our view, it is critical that MPD officers receive a down payment of a ten percent raise to begin to reconcile regional salary differences.

Right now, in our observation, the Metropolitan Police Department is on a roll. Officers are upbeat and enthusiastic. They are willing to sign on for tough performance measures. If they are not compensated fairly, the whole

effort at transforming the department could be derailed and we may not see again soon the current momentum toward dramatic and fundamental change.

We recently appealed to the Office of Management and Budget for a \$200 million infusion of capital to make up for failures to invest in the department for many years. As we found, district police buildings are falling apart. Police officers waste huge amounts of time on paperwork because they lack basic information technologies.

In discussing these deficiencies with members of Congress, we have been told the District of Columbia has no constituency when it comes to allocating money except, perhaps, at the White House. It is said there is very little mileage in spending money on the District in contrast to back home where the votes are.

The reply has to be, someone must take ownership of the importance of our nation's capital and how its condition affects the way the rest of the world perceives the United States.

Let me close by noting where we are going.

For the past two weeks, Booz- Allen has hosted a working session at our McLean office for a team of 20 officers and civilians from the MPD. Their objective is to design a new operating model for the department, one that is focused on crime prevention and the department's relationships with the community. On Monday (April 28), the team briefed the chief and his executive team on its progress.

In about two weeks, the department will begin a massive shift of resources to a beat-focused operating model that will concentrate on crime prevention as the Department's number one priority.

The number of street officers who work with the community on patrol will grow from about 570 to more than 1700. This major redeployment comes at the right time. We are about to enter the summer months when crime rates tends to be at their highest.

On a personal note, we at Booz-Allen are gratified that we can make a difference in helping to renew the department. Everyone who lives and works in the District of Columbia and everyone who cherishes our nation's capital should rally around the effort to transform the department and make sure the effort does not falter for lack of resources. It's not clear when such an opportunity will come again.

I note also that the department has been receptive to our recommendations for change, and the chief is clearly seeing to their implementation. It is not all that common that management consultants encounter organizations and chief executives who are so open to change and experimentation. Chief Soulsby is personally leading the MPD in its transformation and his dedication to this change has captured the attention and support of his colleagues in the ranks.

Thanks you very much. Chips and I will be glad to answer any questions.

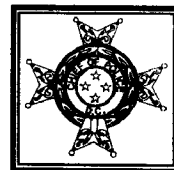
*METROPOLITAN POLICE
DEPARTMENT*

Testimony of Chief Larry D. Soulsby
Before the Subcommittee on
Oversight of Government Management,
Restructuring, and the
District of Columbia

April 30, 1997



The mission of the
Metropolitan Police Department is to
eliminate crime,
fear of crime and general disorder,
while establishing respect and trust
within the community.



STATEMENT of
CHIEF OF POLICE LARRY D. SOULSBY

Good afternoon Senator Brownback, members of this subcommittee, and ladies and gentlemen. Thank you for the opportunity to testify on a subject to which I have devoted my career, fighting crime and violence in the District of Columbia.

I appear before this committee at a time of both great trauma and the genuine promise of transformation within the Metropolitan Police Department of the District of Columbia.

You know of our trauma. Just since the beginning of the year, three of our brave and dedicated officers have died from the gunfire of violent predators.

Our most recent fallen officer was Robert L. Johnson Jr., killed over the weekend. In his career, he exemplified the deeply committed, yet often unappreciated personnel that make up the Metropolitan Police Department.

His death drives home a reality. Nowhere else in the nation today are the police under greater assault or in greater danger than in the District of Columbia. The lawlessness and unacceptably high crime rates that affect the citizens of the district strike also at the police department.

Regretfully, for many years the Metropolitan Police Department was not structured to productively combat the forces of crime and violence.

But I am pleased to testify that the department now is in initial stages of a transformation that will enable it to provide safe and secure neighborhoods in the District. Already, we are seeing crime rates begin to fall.

The transformation of the Metropolitan Police Department depends on contributions from many parties.

You have heard about the Memorandum of Understanding among key district stakeholders and the importance of the agreement in establishing the groundwork for change in the department. Without this understanding from the principal

government players, we would have no hope to reform the department.

You have also heard from representatives of Booz-Allen & Hamilton, the consultants who have diagnosed the critical problems that have afflicted the department. They are working with us hands-on and every day in helping to transform the Metropolitan Police Department.

There is an important role for Congress to play in the department's renewal. As I requested in testimony last week before the Senate Appropriations Subcommittee for the District of Columbia, the department must have a ten percent pay raise for its officers.

A ten percent pay raise would bring officers closer in line with the average salary of surrounding jurisdictions. Police in this city work in an environment unlike any other in the Washington Metropolitan Area. Our crime problem is the most serious and our drug problems the most intractable.

And as we have just tragically witnessed again, our officers face the threat and reality of death more than any other officers in the nation.

I urge your support of the ten percent pay raise. The least we can do for our officers is to provide them with adequate compensation.

I believe obtaining the pay raise is an essential ingredient in sustaining and accelerating the momentum we have developed during the past few months. That momentum is crucial to renewing the MPD and marshalling resources to successfully control crime and disorder.

We are at a juncture where all factors seem to be in alignment to propel the MPD forward to real achievement.

Those factors include political will, citizen demand for crime control, and the prospect of financial resources, including a pay raise. If we falter and lose momentum, the opportunity for real transformation of the MPD may be lost for years. We must not slip backwards.

Now let me describe briefly the department's ongoing transformation and our initial success in reducing crime and violence.

It is no secret that for at least a decade significant problems crippled the MPD. Ours was a department with a stagnant organizational culture, with an unempowered leadership, with insufficient funding for salaries and resources, without accountability.

As a result, we were not successfully fighting crime and violence in the District of Columbia.

The public perceived our failings. We were seen as ineffective in controlling guns, drugs, and gangs -- the sources of pestilence in our neighborhoods.

Eventually, the public came to perceive the District's crime situation as out of control. Disorder at times seemed rampant. There was a heightened sense of risk concerning public safety.

These perceptions had become so widespread that I regret to say the community was unpersuaded when the department did achieve a success.

Clearly the time had come to reform and restructure the Metropolitan Police Department.

The process of transforming the department began with the agreement of the Memorandum of Understanding partners that change was vital to secure real public safety in District.

The partners demonstrated a willingness to put aside turf considerations and to commit themselves to addressing underlying problems in restoring the department.

The single most significant area of support provided to the department has been the Mayor's empowerment of the Chief of Police.

By delegating personnel, budget, and procurement authority to the Chief, the Mayor has enabled the Chief to establish the foundation for transforming the Metropolitan Police Department.

The position of Chief of Police is pivotal in renewing the department. The Chief must have sufficient authority to make key decisions, deploy resources, and hire,

fire, and promote personnel based on demonstrated competence.

Without the necessary authority and autonomy, it would be impossible to transform the department and ensure that citizens are receiving adequate police service.

Second only in importance to the Mayor's empowerment of the Chief of Police is the Chief's authority to remove from the department sworn and civilian employees who do not meet the high standards of integrity and performance that we will expect in the new Metropolitan Police Department.

For the first time, we will now hold department employees accountable to the same degree as employees in private industry. Employees who cannot or will not meet established standards will be fired.

With my new authority, I was able to appoint a new leadership team that shares a common vision for transforming the department. Each team member is widely respected within the department and able to set aside personal objectives for the wider good of the department's mission. Each has integrity, talent, and tenacity, the essential characteristics necessary to carrying out the restructuring of the department.

The new team is supported by a cadre of managers dedicated to:

- fulfilling the department's renewed commitment to reducing crime, fear, and disorder
- empowering department employees to carry out this commitment and holding them accountable to do so
- instilling a new organizational culture that is based on performance and accountability
- improving administrative processes so that as many of our officers as possible are freed for street duty crime control activities at peak times, and in all parts of the District

To measure ourselves, we for the first time will evaluate our progress through the eyes of the community. Our future success will be judged on how well we prevent crime, how safe our communities are, and how free our neighborhoods are from the signs of visible disorder.

In our transformed department, we will set high expectations for the professional conduct of our officers. To achieve high levels of deportment and effectiveness, we will expect to have officers who look, act, and are trained like professionals.

To this end, we are reviewing the department's recruiting process and developing a program to improve significantly entry-level standards and education levels of our recruits.

I have directed my new management team to review the department's conduct and disciplinary rules and procedures.

Police officers are the most powerful members in any democracy, able at any moment to deprive a citizen of his or her liberty. We will not tolerate officers who abuse their power or authority or betray their oath of office.

Although I am committed to fair and impartial discipline, any member who engages in unlawful or unethical conduct will be swiftly removed from the department.

I have established two working committees to examine the department's performance management system. The goal is to develop meaningful job-related performance standards. Such standards are key to establishing accountability.

I have established another working committee to address the critical area of professionalism. Professionalism is a term that encompasses many factors.

I have mentioned some of these factors already. An officer's bearing, deportment, and dress play an important role in establishing the community's confidence not only in the officer, but in the entire department.

One officer who is rude, sloppy in dress and manner, and inappropriate in behavior can undo the efforts of a dozen of his or her peers.

At several junctures, I have mentioned accountability. Accountability is key to the transformation of the Metropolitan Police Department.

All of us -- from myself as Chief of Police to the newly sworn officer and the most recently hired civilian -- must be held to the highest levels of accountability. All that we do in the next several months to transform the department must be grounded in a new sense of accountability:

- accountability for integrity and performance;
- accountability for the control of crime;
- accountability for reduction in fear and disorder.

I will demand the highest level of performance and accountability from my new leadership team and from all the men and women of the department. I will encourage the community to do the same.

As I noted, results visible to the community will be the most importance measure of our success. The department's most immediate visible effort is the Enhanced Enforcement Effort now underway in seven targeted areas throughout the city.

We have feedback from the community that the initial impact of this effort is positive.

The target areas are long-time crime-ridden locations. We seek to make a visible, near-term difference in the quality of life in these area by reducing levels of crime and violence.

We conduct proactive, coordinated, highly visible enforcement activities that respond to community needs.

We also have created a citywide major violators' program to apprehend serious offenders with outstanding arrest warrants. The focus is on violators with ties to the enhanced enforcement areas.

Besides focusing on crime, we attempt to deal with signs of neighborhood disorder. Officers are obtaining information on vacant, derelict buildings that

should be boarded up, and on vacant lots and other areas where trash should be removed. The information they develop is forwarded to appropriate D.C. Government agencies for action.

Officers working in targeted areas go door-to-door making face-to-face contact with residents and business people. One goal is to instill a new feeling in the community that the department and the city are taking concrete steps to help neighborhoods suffering from crime, fear, and neglect.

We want residents to experience not only increased police visibility, but a tangible decline in visible drug trafficking, loitering, and general disorder.

So, how are we doing? I am pleased to report that the results of our overall efforts are encouraging.

Here is the essential figure: Crime in the District from January 1 through April 28, 1997 is down 16 percent compared with the same period in 1996.

Each of the seven patrol districts have achieved decreases within this time period; five of the seven districts have double-digit reductions.

Here are some key indicators that address this committee's concern about fighting crime and violence in the District of Columbia:

- Homicide, the worst crime, is down 29 percent. In the year to date, the homicide total is the lowest number for any first quarter in the past ten years
- Robbery, the incubator of a sense of fear and victimization in the community, is down 23 percent
- Burglary is down 21 percent
- Car theft, seen at this time last year as out of control in the District, is down 33 percent
- Crimes against persons are down 16 percent and crime against property are down 17 percent

As noted, these are encouraging figures.

But even more impressive is the crime and public safety picture since we began the Enhanced Enforcement Effort in March.

Crime in the Enhanced Enforcement Effort areas was down 21 percent from March 7 through April 15, compared with the comparable period in 1996.

Homicide in the areas was down a remarkable 50 percent for the period. Robberies was down 42 percent and burglary 32 percent. Auto theft was down 44 percent.

As a result of our Enhanced Enforcement Effort, arrests are up significantly when compared to the same period last year. Arrests trends have changed from decreases to increases; crime trends from increases to decreases.

In our Enhanced Enforcement Effort target areas, there are noticeable declines in visible levels of crime and disorder. Neighborhood sidewalks are being reclaimed from drug dealers.

The Enhanced Enforcement Effort is the department's down payment to District citizens that shows their personal safety and the protection of their property are our foremost objectives.

Our job now is to transform the department so that the hallmarks of the Enhanced Enforcement Effort:

- high police visibility
- community interaction and neighborhood participation with the police
- major reductions in crime
- similar reductions in the fear of crime

are realities in every District neighborhood and not simply in a handful of targeted areas.

To transform the department, we need a new operating model.

The model must allow us to strike a balance among competing demands for resources; crime prevention; responding to 911 and non-emergency calls; and support infrastructure.

The model must allow us to streamline operations. Currently, too many of our critical resources are tied up with administration, reporting processes, court commitments, and other activities that must be made less time-intensive.

Most important, the new model must accommodate and direct crime-fighting strategies that offer us the best opportunity to reduce fear and improve the quality of life in our neighborhoods. The model must allow us to include the community as full and active participants in our achieving our mission.

With our colleagues at Booz-Allen & Hamilton, we are now in the process of developing and testing that new model.

We are confident the new model will guide us in a single, city-wide attack on crime, fear and disorder if -- and here is the big if -- we are able to recruit, train, and retain a talented, dedicated corps of police officers.

To do so, we must compensate them adequately. So, again, I ask the support of committee members in obtaining a ten percent pay raise for our officers. I fear we cannot hope to sustain, much less expand, on our progress.

Mr. Chairman, thank you for the opportunity to testify. I would be pleased to answer any questions.

**STATEMENT OF THE HONORABLE EUGENE N. HAMILTON
CHIEF JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
BEFORE THE SENATE SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT
MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA**

APRIL 30, 1997

Mr. Chairman Brownback and members of the Subcommittee, thank you for the opportunity to present testimony on "Fighting Crime and Violence in the District of Columbia."

Crime and violence or the perception of it, at this time, in the District of Columbia are regrettably at an unprecedented high level. At the end of 1995 there were 8,262 cases pending in the Superior Court's Criminal Division, and by the end of 1996 there were 9,367 cases pending in the Criminal Division. This represents a 13% increase in the Court's end-of-the-year inventory of criminal cases. There were 45,011 cases filed in 1995, compared with 47,309 cases being filed in 1996.

Neither the figures for 1995 nor 1996 represent the true extent of crime actually in the community in either 1995 or 1996. This is because the figures for criminal case filings and case inventories were severely depressed due to reduced police action beginning in 1994. The last year of non-depressed police activity was 1993 and in that year there were 58,026 criminal cases were filed. In the years 1994-5 and 6, filings fell to 53,498, 45,011 and 47,309, respectively. (See: **Figure 1**)

On March 1, 1997, the Metropolitan Police Department commenced its² enhanced enforcement activity in the District of Columbia. On March 1, 1997, the Court received 118 cases from arrests made for the most part on February 28, 1997. Then on March 3, 1997, the Court received 252 cases from arrests made on March 1 & 2, 1997. This trend of greatly increased arrests has continued throughout March and April. Specifically, in March and April the daily arrestees processed in the Court were 189 & 180, respectively. (See: Figures 2 & 3)

If the trends of March and April continue, we expect to see a total of 64,465 criminal cases filed in the Superior Court by the end of 1997. As I stated previously, the criminal case filings hit a low in 1995 of 45,011. (See: Figure 1) The entire criminal justice system in the District of Columbia is now functioning and the rates of crime are down substantially. The system is, however, very fragile at this point and it will require a lot of attention by the criminal justice leadership and commitment from the community and government support Agencies, including the Financial Control Board, the Congress, the Administration, the Mayor and the Council to sustain the present level of functioning.

What must we pay close attention to and support to make certain that the criminal justice system continue to function in the very effective manner that it presently functions, are as follows:

DISTRICT OF COLUMBIA COURTS

The judicial and fiscal independence and well being of the District of Columbia Courts must be provided for and maintained, because the hub which supports all of the spokes of the criminal justice system is a court system that depends on independent, fair, objective competent, efficient, effective, professional and well trained judges and court staff. The District of Columbia Court system is such a court system, for it has earned and enjoys respect, not only in the District of Columbia, but also across the nation and in many foreign countries. Many of the Judges of the Courts are lecturers and instructors in leading law school programs, seminars and training courses throughout the country and the world.

In addition, the Courts of the District of Columbia are creators of many innovative judicial programs that seek to treat offenders, when this can be done efficiently and consistently with reasonable safety of the community. The Court has a state-of-the-art Domestic Violence Unit which integrates all domestic violence cases in the Superior Court except felony cases. The Court has a state-of-the-art Urban Services Program which is a comprehensive rehabilitation program starting with a thirty day boot camp. The Court has a state-of-the-art Family and Child Services Center where intensive individual GED training is conducted, batterers' counseling is conducted, as well as other rehabilitative services for families and children. The Court operates a very cost efficient and effective state-of-the-art outpatient substance

abuse treatment center, The Probation and Parole Resource Center. The Superior Court also operates a state-of-the-art drug intervention court.⁴

The cases that grow out of the large number of arrests that have been made will in most cases take months before they can be disposed of by a judgment of guilty or not guilty and during this time, these cases and the defendants must be managed by the Courts and other criminal justice agencies. In addition, after a judgment of guilty, these cases and defendants can be managed for many years thereafter. Managing these cases and defendants requires on the part of both judicial officers and court staff a great deal of attention, care, technical knowledge and skills, involving highly complicated legal, psychological, social, and other principles. In short, the heightened arrests in many instances is just the start of a long, intensive and expensive process.

In order for the Courts to do this work with a reasonable amount of safety to the community and in a cost efficient and effective manner, the courts must be supported in their judicial and fiscal independence.

Most of the new arrestees are non-violent persons who are charged with quality of life offenses. A large proportion of these persons' criminal behavior is driven by their personal, social, mental health and substance addiction problems, which in many cases are controllable with professional intervention, strict supervision by the

5
court's staff, and the imposition of graduated sanctions where necessary by judicial officers.

In short, it makes no sense for the Metropolitan Police Department to make the new arrests and the United States Attorney and Corporation Counsel to file the new cases, if the District of Columbia Courts are not given the judicial independence and financial support to efficiently and effectively manage and enter dispositions in the cases resulting from those new arrests.

DEPARTMENT OF CORRECTIONS

It, of course, goes without saying that an adequate, professional and well trained Department of Corrections must be ready, willing and able to provide detention and penal facilities for those defendants who are ordered detained or incarcerated. This is a necessary component of the criminal justice system, and the system cannot function as to detention and incarceration without it.

CORPORATION COUNSEL

The Corporation Counsel's Office must be supported at a level which does not require attorneys in that Office to attempt to handle a larger case load than is reasonable, given the types of cases that a given attorney is carrying. It is my judgment from my observations and discussions with other judicial officers that, at

present, attorneys in the Corporation Counsel's Office are being required because of the number of attorneys on staff and the number and type of cases in the office to carry caseload which are too large. This condition must be corrected.

METROPOLITAN POLICE DEPARTMENT

As a MOU Partner, I fully support the recommendations of the Partners, that the Officers desperately deserve an immediate 10% pay adjustment. I urge that that be done immediately, and in my judgment, it is crucial to sustaining the current law enforcement momentum on the streets. I say this because, we must all show these Officers that when we say: "We appreciate your efforts," we really mean it. In other words, at this point, these Officers have been treated so shabbily we need to reinforce and support our words with action.

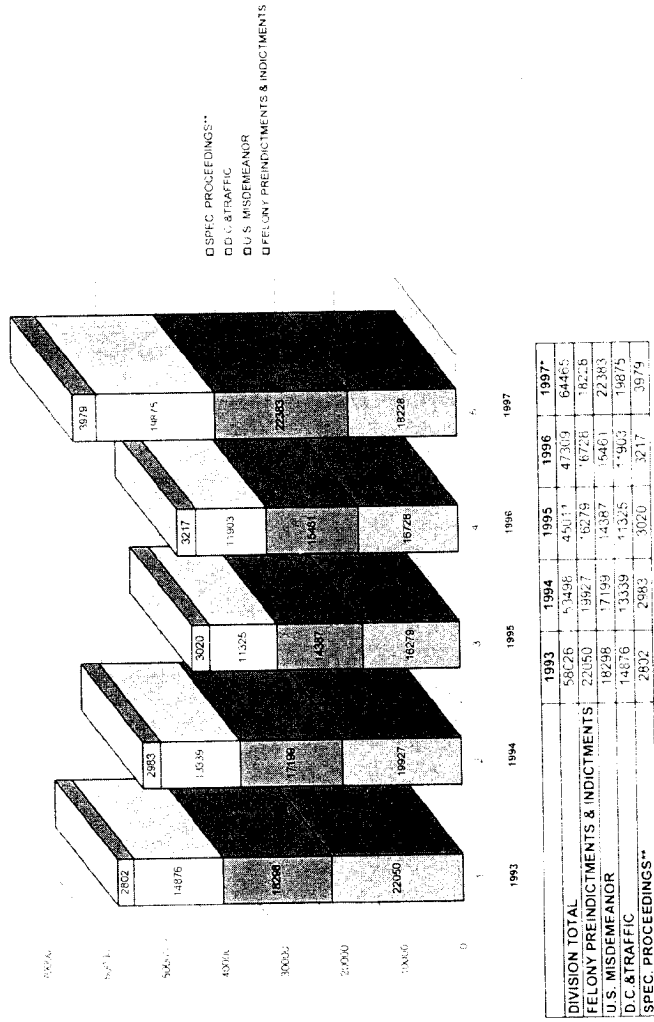
As I stated initially, the Metropolitan Police Department as of March 1, 1997 is no longer dysfunctional but became a very viable and effective law enforcement agency. This occurred because the Chief of Police was empowered to command the Department and make budgetary and personnel determinations for the Department. This empowerment occurred due to the strong recommendation to do so that was made to the Mayor by the MOU Partners, which was accepted and implemented by the Mayor. The consensus to make this change came from the outstanding scientific

research done by Booz-Allen & Hamilton and the leadership of the District of Columbia Financial Responsibility and Management Assistance Authority.⁷

The results that have been obtained teach us that the independence of the police department and the authority of the Chief to command the Department must be assured. The Chief must be assured of the authority to make budgetary and personnel determinations, as well as direct the procurement of the Department. In addition, the MOU Partnership should be made permanent and it should be given the authority to retain a research resource, such as Booz-Allen & Hamilton.

Thank you.

COMPARISON OF CRIMINAL DIVISION FILINGS
CALENDAR YEARS 1993 - 1997



*1997 PROJECTIONS BASED ON MARCH 1997 FILINGS

** Fugitive from Justice cases, Habeas Corpus cases and other miscellaneous Criminal Matters

**LOCK-UP AND CITATION CASE SUMMARY
FOR MARCH 1997**

| DATE | LOCK-UP CASES | | | CITATION CASES | | TOTAL |
|---------|---------------|------------|--------------|----------------|--------------|-------|
| | FELONY | U.S. MISD. | D.C.-TRAFFIC | U.S. MISD. | D.C.-TRAFFIC | |
| 3/1/97 | 52 | 33 | 33 | 0 | 0 | 118 |
| 3/2/97 | * | * | * | * | * | * |
| 3/3/97 | 55 | 80 | 38 | 17 | 62 | 252 |
| 3/4/97 | 43 | 36 | 19 | 5 | 43 | 146 |
| 3/5/97 | 49 | 61 | 23 | 13 | 30 | 176 |
| 3/6/97 | 47 | 48 | 25 | 6 | 25 | 151 |
| 3/7/97 | 55 | 39 | 21 | 23 | 55 | 193 |
| 3/8/97 | 55 | 66 | 37 | 0 | 0 | 158 |
| 3/9/97 | * | * | * | * | * | * |
| 3/10/97 | 56 | 99 | 76 | 14 | 40 | 285 |
| 3/11/97 | 46 | 62 | 46 | 3 | 22 | 179 |
| 3/12/97 | 48 | 62 | 26 | 4 | 23 | 163 |
| 3/13/97 | 40 | 72 | 45 | 11 | 28 | 196 |
| 3/14/97 | 37 | 88 | 48 | 26 | 50 | 249 |
| 3/15/97 | 43 | 54 | 29 | 0 | 0 | 126 |
| 3/16/97 | * | * | * | * | * | * |
| 3/17/97 | 47 | 87 | 36 | 13 | 36 | 219 |
| 3/18/97 | 43 | 36 | 22 | 6 | 32 | 139 |
| 3/19/97 | 42 | 61 | 32 | 10 | 25 | 170 |
| 3/20/97 | 40 | 60 | 31 | 18 | 45 | 194 |
| 3/21/97 | 48 | 70 | 37 | 22 | 61 | 238 |
| 3/22/97 | 45 | 67 | 45 | 0 | 0 | 157 |
| 3/23/97 | * | * | * | * | * | * |
| 3/24/97 | 67 | 99 | 52 | 6 | 52 | 276 |
| 3/25/97 | 32 | 65 | 29 | 6 | 25 | 157 |
| 3/26/97 | 39 | 62 | 41 | 4 | 22 | 168 |
| 3/27/97 | 48 | 70 | 31 | 11 | 38 | 198 |
| 3/28/97 | 33 | 59 | 21 | 30 | 89 | 232 |
| 3/29/97 | 42 | 37 | 30 | 0 | 0 | 109 |
| 3/30/97 | * | * | * | * | * | * |
| 3/31/97 | 56 | 90 | 55 | 8 | 52 | 261 |
| TOTAL | 1208 | 1663 | 928 | 256 | 855 | 4910 |
| AVE. | 46 | 64 | 36 | 10 | 33 | 189 |

Figure 2

LOCK-UP AND CITATION CASE SUMMARY
FOR APRIL 1997

| DATE | LOCK-UP CASES | | | CITATION CASES | | TOTAL |
|---------|---------------|------------|--------------|----------------|--------------|-------|
| | FELONY | U.S. MISD. | D.C.-TRAFFIC | U.S. MISD. | D.C.-TRAFFIC | |
| 4/1/97 | 35 | 30 | 17 | 5 | 36 | 123 |
| 4/2/97 | 54 | 53 | 18 | 9 | 30 | 164 |
| 4/3/97 | 41 | 59 | 30 | 8 | 36 | 174 |
| 4/4/97 | 54 | 63 | 33 | 19 | 55 | 224 |
| 4/5/97 | 30 | 45 | 42 | 0 | 0 | 117 |
| 4/6/97 | * | * | * | * | * | * |
| 4/7/97 | 49 | 103 | 38 | 11 | 39 | 240 |
| 4/8/97 | 37 | 53 | 29 | 4 | 43 | 166 |
| 4/9/97 | 39 | 61 | 43 | 10 | 34 | 187 |
| 4/10/97 | 37 | 35 | 24 | 17 | 42 | 155 |
| 4/11/97 | 50 | 48 | 35 | 17 | 63 | 213 |
| 4/12/97 | 31 | 55 | 30 | 1 | 0 | 117 |
| 4/13/97 | * | * | * | * | * | * |
| 4/14/97 | 57 | 112 | 46 | 6 | 37 | 258 |
| 4/15/97 | 41 | 56 | 26 | 10 | 26 | 159 |
| 4/16/97 | 56 | 73 | 50 | 11 | 26 | 216 |
| 4/17/97 | 59 | 60 | 46 | 16 | 42 | 223 |
| 4/18/97 | 42 | 74 | 23 | 19 | 57 | 215 |
| 4/19/97 | 53 | 60 | 21 | 0 | 0 | 134 |
| 4/20/97 | * | * | * | * | * | * |
| 4/21/97 | 68 | 91 | 40 | 12 | 43 | 254 |
| 4/22/97 | 23 | 46 | 18 | 7 | 24 | 118 |
| 4/23/97 | 48 | 61 | 30 | 15 | 20 | 174 |
| 4/24/97 | 42 | 49 | 26 | 12 | 48 | 177 |
| 4/25/97 | 48 | 49 | 30 | 23 | 65 | 215 |
| 4/26/97 | 23 | 49 | 25 | 0 | 0 | 97 |
| 4/27/97 | * | * | * | * | * | * |
| 4/28/97 | 45 | 65 | 32 | 12 | 42 | 196 |
| 4/29/97 | | | | | | |
| 4/30/97 | | | | | | |
| TOTAL | 1062 | 1450 | 752 | 244 | 808 | 4316 |
| AVE. | 44 | 60 | 31 | 10 | 34 | 180 |

4316

180

Figure 3

SECTION I

DISTRICT OF COLUMBIA

SUPERIOR COURT OVERVIEW

D.C. SUPERIOR COURT

D.C. Ranks First Among 50 States in Case Filings per Capita

- The D.C. Superior Court had the highest rate of case filings of all state trial courts in 1995.
- The filing rate in D.C. is nearly 6 times the national average. Specifically, 1 new case is filed in Superior Court for every 3 District residents -- compared to the national average of 1 new case filed for every 17 residents. Comparisons of all unified courts in the nation:

| Case Filings Per Capita | | |
|-------------------------|------|-------|
| | Rank | Ratio |
| District of Columbia | 1 | 1:3 |
| Connecticut | 9 | 1:10 |
| Idaho | 3 | 1:6 |
| Illinois | 8 | 1:8 |
| Iowa | 12 | 1:11 |
| Kansas | 10 | 1:10 |
| Massachusetts | 2 | 1:6 |
| Minnesota | 7 | 1:9 |
| Missouri | 16 | 1:12 |
| South Dakota | 5 | 1:8 |
| Wisconsin | 15 | 1:12 |

D.C. SUPERIOR COURT

D.C. Ranks First Among 50 States in Case Filings per Capita

- D.C. ranked 1st in the nation in both civil and criminal case filings per resident in 1995.

Case Filings Per Capita
Civil Criminal

| | 20,978 | 6,348 |
|----------------------|--------|-------|
| District of Columbia | 4,369 | 4,274 |
| Connecticut | 460 | 976 |
| Idaho | 4,160 | 5,032 |
| Illinois | 4,639 | 3,137 |
| Iowa | 5,890 | 1,747 |
| Kansas | 6,310 | 5,673 |
| Massachusetts | 3,456 | 4,905 |
| Minnesota | 3,189 | 2,965 |
| Missouri | 6,108 | 3,775 |
| South Dakota | 4,372 | 2,497 |
| Wisconsin | | |

D.C. SUPERIOR COURT

Superior Court Judges Handle More Cases Than Judges in 47 States

- D.C. Superior Court ranked 4th in the nation in the number of cases filed per judge in 1995. Superior Court's average caseload per judge (2,840 cases) is higher than the average caseload per judge in the trial courts of 47 other states. Comparable figures for other unified courts are:

| Case Filings Per Judge | | |
|------------------------|------|--------------|
| | Rank | # of Filings |
| District of Columbia | 4 | 2,840 |
| Connecticut | 10 | 1,810 |
| Idaho | 48 | 464 |
| Illinois | 22 | 1,419 |
| Iowa | 27 | 1,273 |
| Kansas | 19 | 1,583 |
| Massachusetts | 3 | 2,846 |
| Minnesota | 12 | 1,788 |
| Missouri | 26 | 1,277 |
| South Dakota | 6 | 2,284 |
| Wisconsin | 11 | 1,802 |

D.C. SUPERIOR COURT

Superior Court Judges Handle 7 Times More Cases Than U.S. District Judges

* D.C Superior Court's average caseload per judge (2,840 cases) is nearly 7 times higher than U.S. District Courts (434 cases). By comparison nationally the average caseload per judge for general jurisdiction state courts is 3.5 times higher than U.S. District Courts.

District of Columbia Courts Caseload Per Judge Exceeds All Article I Courts

| Cases Filings Per Judge | |
|--------------------------------------------|-------|
| U.S. COURTS | 3,045 |
| U.S. TAX COURT | 1,337 |
| U.S. COURT OF APPEALS FOR THE ARMED FORCES | 249 |
| U.S. COURT OF VETERAN APPEALS | 218 |
| U.S. CLAIMS COURT | 54 |

Superior Court Caseload Overview

- During 1996, there were over 155,000 cases filed at D.C. Superior Court. The District has the highest filing rate in the nation. Nevertheless, Superior Court continues to function efficiently -- 178,000 cases were disposed by the court in 1996.

An overview of court activity shows that:

- Over 92,000 civil actions were filed
- Misdemeanor case filings increased 9% from 1995, totaling 20,446
- More than 11,200 felony cases were filed (an increase of 3%)
- Nearly 3,500 domestic violence matters were filed
- Juvenile case filings increased by 2%, to 4,012.
- Child abuse and neglect cases rose another 7% in 1996, to 1,616 filings (a 98% increase since 1990)
- Over 15,000 offenders (12,120 adults and 2,920 juveniles) were under supervision during 1996 by the Court's Social Services Division

INITIATIVES OF THE D.C. SUPERIOR COURT

Case Processing Enhancements

- **ALTERNATIVE DISPUTE RESOLUTION (ADR):** For the last decade Superior Court has led the nation in implementing alternative means of resolving disputes. Selected by the ABA as one of three sites to develop the "multi-door courthouse" concept, Superior Court's national model Multi-Door Dispute Resolution Division has grown from a small pilot program to a permanent operation with a full-time staff and over 600 neutrals who provide ADR services in over 10,000 cases annually. Mediation, arbitration, and other dispute resolution techniques are provided in small claims, civil, domestic relations, probate, tax and other community cases. Half of the cases referred to Multi-Door are resolved, representing a tremendous cost savings to the court and litigants alike.
- **AUTOMATED CITIZEN INTAKE AND REFERRAL:** In December 1995, Superior Court's Multi-Door Division implemented an automated information database that facilitates citizen referral to over 200 community-based resources for assistance in resolving disputes. The automated citizen intake and referral system allows court intake specialists to match individual client disputes with appropriate services, and greatly enhances the efficiency and effectiveness of referral services (which have risen 218% since 1993).
- **CIVIL DELAY REDUCTION:** Superior Court launched a major initiative to reduce delay in civil case processing by converting to an individual calendar system, increasing judicial control over cases, and expanding the use of alternative dispute resolution techniques. Since its inception in 1991, this effort has reduced the pending civil actions caseload by 50%, and enhanced case processing efficiency (72% of pending cases are now resolved within one year of filing, up from 59% at the start of the project).
- **COURT IMPROVEMENT PROGRAM:** The Court Improvement Program, funded by the U.S. Department of Health and Human Services, is designed to assist state courts with improving court proceedings related to child abuse and neglect cases, termination of parental rights cases and adoption matters. Superior Court began studying abuse and neglect case processing in 1995, and anticipates completing the assessment in April, 1997. Recommendations and system improvements will be implemented at Superior Court during the next three years.
- **DOMESTIC VIOLENCE INITIATIVE:** Superior Court is spearheading an effort to improve the handling of domestic violence cases in the District of Columbia. Operating with the oversight of the District's inter-agency Domestic Violence Coordinating Council, this Violence Against Women Act grant-funded project has created a centralized Domestic Violence Intake Unit at the Court for

domestic violence victims, improved coordination among the numerous public, private and service agencies involved in handling domestic violence matters.

DRUG COURT PROGRAM: In conjunction with the D.C. Pretrial Services Agency, Superior Court established a drug court for felony drug offenders in 1993. Under the District's drug court program, offenders are subject to different treatment options including supervision and monitoring, frequent and random drug testing, and intensive counseling. Special probation conditions are a prerequisite for remaining in the community. In March 1997, Superior Court received a planning grant from the U.S. Department of Justice to develop a juvenile drug court based on this and other national model programs.

Treatment Programs/Alternatives to Incarceration

ABRAXAS is a three-year Juvenile Justice Advisory Group grant which began in mid-1995. From mid-1995 through 1996, 173 juveniles participated in the program. The program is an alternative to detention at Oak Hill or other shelters, and consists of intensive supervision beginning with three daily face-to-face contacts as well as monitoring school attendance. The program has saved the District approximately \$2.5 million since its inception.

DOMESTIC VIOLENCE INTERVENTION PROGRAM (DVIP): This treatment program provided by the court's Social Services Division (the District's probation department) began operations in 1993 with one highly trained and dedicated treatment team. With the establishment of the court's Domestic Violence Intake Unit in November 1996, the Domestic Violence Supervision caseload today represents the fastest growing probation caseload. The DVIP program provides counseling, education and treatment for domestic violence offenders; support, counseling and referral services for victims; training for court staff; and coordination of community-based treatment services from other service providers.

ELECTRONIC MONITORING INTENSIVE SUPERVISION PROGRAM (EMIS): Since 1994, Superior Court has provided pre- and post-adjudication electronic monitoring and supervision of adult and juvenile offenders in the community. Electronic monitoring promotes public safety, ensures offender compliance with court-ordered conditions of probation and reduces recidivism. Each day the program has over 100 offenders under intensive supervision and approximately 50 offenders hooked to monitoring devices.

- **FAMILY AND YOUTH RESOURCE CENTER (FYRC):** Superior Court operates a comprehensive community-based center (FYRC) which provides a variety of essential services to the court's probation population, including: family counseling; domestic violence services; academic and vocational training; employment services; electronic monitoring and intensive supervision; drug testing and treatment; and dental, health, and nursing services.
- **JUVENILE DIVERSION PROGRAM** services 200 status offenders per year providing an assessment and comprehensive services to the entire family. The program has an 80% success rate and has eliminated the need to place these respondents in Oak Hill or shelter homes thus saving the city approximately one-million dollars yearly.
- **PROBATION AND PAROLE RESOURCE CENTER (PPRC):** PPRC is a highly structured, non-residential, community-based day reporting drug treatment center which serves as important treatment option for at-risk drug offenders. Each year over 1,000 offenders are referred to Superior Court's PPRC, which is often the last chance before more restrictive and expensive incarceration. The most recent PPRC evaluation study found that PPRC clients had a significantly lower rearrest rate while in treatment than the court's general supervision population (3% v. 18%, respectively).
- **SANCTIONS TEAM FOR ADDICTION AND RECOVERY (STAR):** Beginning in January 1995, this program offers intensive supervision for recovering drug abusers. currently 180 individuals are under STAR supervision, with the anticipated potential to expand this sanction option to over 800 clients under supervision.
- **URBAN SERVICES PROGRAM (USP):** Superior Court's USP is a highly structured, intensely supervised year-long alternative to incarceration program for youthful offenders (ages 14-26). USP consists of three phases: (1) an urban boot camp (including physical conditioning, discipline, team building, and guided group interaction/counseling support); (2) Life Preparation (a 5 month probation period at a day-reporting center, with life skills classes and employment and/or academic counseling); (3) Transformation (consisting of probation supervision, job placement, and services to help probationers re-adjust to community living).

Citizen Access Enhancements

- **CHILD CARE CENTER FOR JURORS & WITNESSES:** The court provides free, on-site child care for approximately 2,000 children annually whose parents serve as jurors, witnesses, or litigants in court proceedings.

- **CHILD SUPPORT HOTLINE:** The child support hotline provides parents with 24-hour access to child support account information in both English and Spanish. Superior Court receives over 1,500 hotline calls each day and has assisted over 1.5 million callers since its installation in 1990.
- **PROBATE INFORMATION KIOSK:** In January 1995, the court's Probate Division installed an interactive kiosk which features user-friendly bi-lingual videotapes providing information on procedures and policies governing various estate proceedings. The videotapes are designed to enhance the ability of *pro se* litigants and new attorneys involved in probate matters at Superior Court.
- **COURT INITIATIVES FOR NON-ENGLISH SPEAKING PERSONS:** The D.C. Courts have undertaken an initiative to provide bi-lingual directional and information kiosks, as well as to publish court forms and brochures in Spanish (currently over 50% of the courts' 145 forms and brochures have been translated). The courts also provide interpreter services for proceedings involving non-English speaking persons (approximately 6,000 requests made annually), have installed an AT&T Language Line in the landlord/tenant branch, and host Hispanic Heritage Month activities as well as an annual Hispanic Open House to provide members of the Latino community with information on court services. The court also provides conversational Spanish language training for court employees who regularly interact with the public.
- **ASSISTING PRO SE LITIGANTS:** The D.C. Courts and the D.C. Bar have undertaken a variety of initiatives to assist *pro se* litigants in the District of Columbia. For example: Civil Division judges and staff have developed a *Pro Se* Handbook and the division's Landlord and Tenant Branch sponsors a volunteer program with AARP (American Association of Retired Persons) to improve services to the public and practicing attorneys; the D.C. Bar Public Services Activities Corporation (PSAC) has developed forms, instruction booklets, and videotapes to assist litigants in the handling of uncontested divorce and custody matters, and PSAC holds a *Pro Se* Divorce Clinic on Thursday evenings.
- **ASSISTANCE FOR HEARING-IMPAIRED PERSONS:** The Superior Court's Office of Interpreter Coordinators provides hearing-disabled persons involved in court proceedings with translation services, as needed. Nearly 500 requests for sign language interpreters are received annually. Real-time court reporting is also available at the D.C. Courts, which enables hearing-disabled persons to participate fully in courtroom proceedings by reading "live" oral testimony entered by court reporters onto computer screens located in the courtroom. Hearing-impaired persons also have access to TDD (telecommunication devices for the deaf) machines

at 6 public telephones and assistive listening devices are available for courtroom personnel.

Youth Mentoring Programs

- **ELEMENTARY BASEBALL:** The D.C. Courts participate in the Elementary Baseball Program, a delinquency prevention program for inner-city youth designed to enhance self-esteem, teach conflict resolution skills, improve school performance, and promote healthy bonding to peers, families, teachers, and the community. Many judges and court staff serve as volunteers and mentors to the children, and the court provides financial oversight for the program.
- **RECLAIM OUR YOUTH (ROY):** ROY is a mentoring program which serves as a unique sanction alternative for at-risk youth under Superior Court supervision for minor delinquent activities, drug involvement, or other behavioral problems. Administered by a local coalition of churches, ROY matches court-referred youth with trained community volunteers who serve as positive role models and assist the youth in locating support services which would help them redirect their lives.
- **WKAY-100 LIFE MANAGEMENT AND LEADERSHIP DEVELOPMENT PROGRAM:** Established in 1994, WKAY-100 is an innovative mentorship program for boys between the ages of 8 and 14 who have been abused or neglected. This cooperative program, which teams the YMCA of Metropolitan Washington, the Washington Alumni Chapter of the Kappa Alpha Psi Fraternity and Superior Court, pairs youngsters under Superior Court supervision with fraternity members who serve as mentors, role models, and caring friends. The program offers life skills training, self-esteem building, cultural enrichment, educational opportunities, and values clarification.

Community Outreach Activities

- **ADOPTION DAY:** Each year the D.C. Superior Court and the D.C. Department of Human Services sponsor Adoption Day to provide the public with an opportunity to view open adoption ceremonies, thereby gaining an appreciation of the critical need for safe, loving homes for the District's orphaned and neglected children.
- **CANCER AWARENESS CAMPAIGN:** In conjunction with the D.C. Bar, the D.C. Courts have launched a public awareness campaign on reproductive cancer. The Courts disseminate information on cancer prevention and early detection to judges, court employees, jurors, and members of the public who use court services. Other

public outreach activities include a mammogram sign-up program for employees and an informational video available for viewing in the juror's lounge.

- **CITIZEN VOLUNTEERS:** The D.C. Superior Court supports a number of volunteer efforts, from student internships to AARP volunteer assistance in the Civil Division. Since 1991, trained citizen volunteers have served as Court Appointed Special Advocates (CASA's) for abused and neglected children in pending cases at Superior Court. Appointed by judges, CASA volunteers conduct family background assessments, identify needed support services, and provide a positive influence in the child's life throughout the duration of the case in the court system.

Superior Court also recruits and trains Mental Retardation Advocates to assist mentally retarded persons whose cases are under the supervision of the Family Division. Advocates regularly meet with clients to monitor their level of care and attend court proceedings to promote their client's best interests and ensure the protection of their civil rights.

- **INTERNATIONAL VISITORS:** The District of Columbia Courts are visited by increasing numbers of visitors from other countries, especially those from emerging democracies, who seek to learn about the administration of justice in a large multi-cultural urban court system. The Courts receive approximately 500 international visitors each year.
- **JUDICIAL EXCHANGE PROGRAM:** In 1995, the D.C. Superior Court, the American Bar Association and the National Judicial College sponsored a judicial exchange program with four East African countries. This unique program, designed to provide 12 African judges with a broad introduction to the U.S. legal system, included a 10-day instructional course at the National Judicial College and a two week on-site practicum and educational program at the District of Columbia Courts.
- **JURIED ART COMPETITION:** In 1994, the Superior Court's Art Trust initiated an annual art competition for District of Columbia high school students. The student's visual art submissions are judged by an expert panel, including artists from the Corcoran School of Art and teachers from area secondary schools. Savings bonds for \$1,000, \$750 and \$500 are awarded to the top 10 winners and the art works are displayed in the District of Columbia courthouse.
- **STUDENT LAW DAY ESSAY CONTEST:** Since 1992, the D.C. Courts and the D.C. Bar have sponsored an annual essay contest for District high school students on the national Law Day theme of the year, as established by the ABA. A panel of senior court administrators and members of the bar judge the essays, and \$500, \$200,

and \$100 savings bonds are awarded to the authors of the top three essays. The winning essay is published in the D.C. Courts' newsletter, *The Communicator*.

Administrative Initiatives

- **STANDING COMMITTEE ON FAIRNESS AND ACCESS:** As an outcome of the D.C. Courts' Racial, Ethnic and Gender Bias Task Forces' efforts, the Standing Committee On Fairness and Access was established by the Chief Judge of the D.C. Court of Appeals in 1996 to reduce and ultimately eliminate gender, racial and ethnic bias from the District of Columbia Courts and to guarantee equal justice for every individual affected by the District's judicial system. Special objectives include improving court access, monitoring hiring and promotion practices, improving treatment of participants by judicial officers, overseeing procurement policies to ensure the elimination of bias in contracting and purchasing, and communicating progress to court staff and the public.
- **STRATEGIC PLANNING:** In March 1996, the D.C. Courts launched a strategic planning initiative to better focus court resources and to provide guidance for future direction. A Strategic Planning Team of court managers, working closely with staff in each of the courts' 17 divisions, submitted a comprehensive strategic plan for the courts in June 1996. The D.C. Courts' Strategic Plan consists of eight courtwide goals and a compilation of division based-strategies to achieve the courts' goals for fiscal years 1997-2000.
- **TASK FORCE ON FAMILIES AND VIOLENCE:** Established by the Chief Judge of the D.C. Court of Appeals in response to the resolution of the 1994 Judicial Conference, the task force includes judges, lawyers representing juveniles, physicians, social workers, community and government leaders. The Task Force is currently working to develop a project to deliver services to at-risk young people. Interim reports on the task forces' activities were issued at the twentieth and twenty-first Judicial Conferences in June of 1995 and 1996, respectively.
- **QUALITY SERVICE COUNCIL:** In November 1994, the Chief Judges of the D.C. Court of Appeals and the Superior Court appointed a Quality Service Council composed of judges and employees from a variety of organizational units and levels within the court system to steer the D.C. Courts' total quality management effort. The Council's mission is to champion continuous improvement in court service to the public and to one another through guiding and initiating TQM activities.

SECTION II

PUBLIC SAFETY AND JUSTICE

SUPPLEMENTAL REQUEST

DISTRICT OF COLUMBIA
PUBLIC SAFETY AND JUSTICE

APPROPRIATION TO DATE.....\$1,041,281,000

ADDITIONAL AMOUNT REQUESTED.....\$ 15,227,000

Justification: The public safety agencies that make up the criminal justice system are integrally connected. A major change in the activities of one agency, typically, will impact all the criminal justice agencies. This is particularly true in the case of the Metropolitan Police Department (MPD), which usually is the entry point for the criminal justice system.

In December 1996, the Authority, along with the Mayor, Chairman of the District Council, the Chief of Police, the U.S. Attorney, the Corporation Counsel and the Chief Judge of the Superior Court signed a Memorandum of Understanding (MOU) to support a number of initiatives designed to reduce crime and fear of crime in the Nation's Capital. The MOU partners, as the group became known, engaged consultants to perform a comprehensive review of the MPD's organization and operations.

On February 26, 1997, the MOU partners announced the first steps and initial findings of their on-going work. The consultants advised the partners that the District's crime problem in part stems from a police department suffering from deep cynicism, low morale and poor management, and it lacks a clear vision and common purpose. The Authority took bold actions agreed to by the MOU partners to empower the Office of the Police Chief to hold everyone accountable for performance.

These recently implemented policing initiatives in the MPD, which range from focusing police activity on open-air drug markets to placing an additional 400 officers on the street, have resulted in a substantial increase in arrests and consequent decrease in crime. Between March 1, 1997 and March 24, 1997, arrests have increased by 72 percent above the same period last year. This increase in arrests has had a significant impact on the entire public safety and criminal justice system, and has resulted in the need for additional resources throughout the public safety cluster for the remainder of fiscal year 1997.

In order to sustain the momentum of the new policing initiatives, additional funding is needed, not only for the MPD, but also for the Courts, the Corporation Counsel, the Department of Corrections, the Pretrial Services Agency and the Youth Services Administration.

Based on the experiences of other major cities that have undertaken major crime reduction efforts, arrests rates will remain high in the first several months of the new

policing initiatives. However, after several months, the arrests should begin to decline, and then stabilize.

The ultimate goal of the new crime reduction effort is not to increase arrest rates, but to prevent the occurrence of crime. Therefore, it is our expectation that by fiscal year 1998, arrests will begin to decline and then stabilize. As such, many of the additional resources needed to sustain the new policing initiatives in fiscal year 1997 may not be needed in fiscal year 1998.

Metropolitan Police Department—The Metropolitan Police Department (MPD) requires an additional \$8.8 million in fiscal year 1997 to fund a 10 percent pay raise for its officers. In fiscal year 1998, \$18.6 million will be needed to annualize this 10 percent pay raise. A 10 percent pay raise would bring the MPD officers closer in line with the average salary of the surrounding jurisdictions.

The District's officers are paid, on average, 14 percent less than officers in the surrounding jurisdictions. Some officers in the surrounding jurisdictions are paid as much as 22 percent more than the District's officers.

The pay raise would be tied to performance standards and changes in work rules. The MPD has determined that it cannot fund the pay raise, or even a portion of the pay raise, within its current fiscal year 1997 budget. While the MPD has not hired up to its authorized level of 3,821 sworn police officers, it has been using lapsed salaries to cover unbudgeted overtime being used to maintain police presence on the streets. The MPD expects to reach its authorized level of sworn police officers by the end of this fiscal year.

Superior Court—The D.C. Superior Court anticipates the need for an additional \$1,388,000 in fiscal year 1997 to fund fully the additional costs directly attributable to the new policing initiatives.

Based upon the recent increase in the number of case filings, which, on average, have increased by 40 percent, the Courts estimate that the anticipated increase in case filings will result in additional overtime costs of \$30,000 to process the filings, and \$710,000 for Criminal Justice Act (CJA) expenditures to provide private counsel for indigent defendants in the remaining six months of fiscal year 1997.

These amounts are based upon an expected increase in caseload of approximately 400 additional felony filings and 650 additional misdemeanor filings. Using the average CJA cost of \$800 for felony cases and the average cost of \$600 for misdemeanor cases, \$710,000 is expected to be required in fiscal year 1997.

If the CJA program is fully funded, the Public Defender Service (PDS) should not be impacted significantly by the new policing initiatives. However, it is possible that with a significant increase in arrests and a corresponding increase in the use of informants, the MPD may receive information needed to close and prosecute more cases involving violent crimes. The more complex, violent cases generally are handled by the PDS attorneys rather than the CJA attorneys. At this time, however, there are too many unknowns to assess the potential impact of the policing initiatives on the PDS.

Furthermore, it is estimated that the increased police activity will result in 50 additional jury trials. This increase in jury trials result in additional juror fees and administrative costs totaling \$78,000 for the remainder of fiscal year 1997. In addition, witness fees are expected to increase proportionately by \$62,000 for the remaining six months in fiscal year 1997.

The additional arrests and prosecutions will also result in significant increases in cases being referred to the Social Services Division of the D.C. Superior Court. Based upon information provided by the courts, every one thousand additional cases will require an additional team of one supervisory probation officer, 10 probation officers, and a probation assistant.

The ratio of adult probationers to probation officers is 100 to 1. With an anticipated increase in felony and misdemeanor filings it is expected that many defendants will be placed on probation, the Social Services Division expects to require 22 additional probation officers and 2 additional probation assistants to handle the expected increase in workload that will be generated over the next year. Salaries for the additional probation services staff would total approximately \$1 million for a full fiscal year, or \$500,000 for the remainder of fiscal year 1997.

The Superior Court also will need an additional \$8,000 in fiscal year 1997 to cover increased costs for interpreters.

Pretrial Services Agency—The Pretrial Services Agency has requested an additional \$30,000 to fund modern voice recognition technology and \$25,000 to fund overtime costs associated with interviewing defendants, verifying background information, and providing criminal histories on all defendants. This information is used to assist the judicial officers in determining appropriate conditions of release.

The Pretrial Services Agency's Evening/Curfew Supervision staff members oversee the curfew conditions of defendants considered by Superior Court and federal court judges to be a higher statistical risk and in need of heightened or intensive supervision.

Since the first week in March 1997, the number of higher risk defendants assigned to the Heightened Supervision Unit has increased by one-third. Rather than hire additional staff to monitor the high risk individuals, the Pretrial Services Agency, with an additional \$30,000, could purchase modern voice recognition technology which is programmed to respond to individuals' unique voice patterns.

Office of the Corporation Counsel—The Office of the Corporation Counsel (OCC) anticipates the need for an additional \$84,000 to hire staff to meet the demands being placed on the Office as a result of the new policing initiatives.

The increased police activity has affected the OCC's workload in two major ways. First, it has resulted in many more arrests, and, therefore, many more referrals to the Office of the OCC. Since the new policing initiatives, the number of juvenile cases referred to the OCC has increased by more than 30 percent.

Second, most of the quality of life offenses that are a focus of the new initiatives are prosecuted by the OCC. Since March 8, 1997, the OCC has been referred 1,124 criminal and traffic complaints, which represents a 115 percent increase over fiscal year 1996. More than 500 of these complaints involve quality of life offenses.

The OCC is being referred complaints at a rate of 86 per day, or 27,000 per year. In fiscal year 1996, the OCC handled 12,521 cases.

The 32 percent increase in the number of juvenile delinquency complaint referrals will impact the OCC especially hard because it comes at the same time that the Juvenile Detention and Speedy Trial Act will take effect. This act requires a trial to take place within 30 days for any juvenile who has been placed in detention. The OCC believes that it can handle the increased workload with a modest increase in the size of the Criminal Branch, which currently has only one vacancy. However, this vacancy can not be filled because of the reductions in the fiscal year 1997 adjusted budget.

The OCC would need an additional three prosecutors and one clerical employee at a total cost of \$168,578 for a full fiscal year, or \$84,289 for the remaining six months in fiscal year 1997.

Department of Corrections— The Department of Corrections (DOC) estimates that it will need an additional \$4.9 million in fiscal year 1997 to cover costs associated with the new policing initiatives.

As of April 7, 1997, there were only 39 vacant secure male beds and no vacant secure female beds at the D.C. Jail, the Correctional Treatment Facility, and the Lorton facilities. Between March 1, 1997 and April 7, 1997, DOC's inmate population increased by 277. Information from DOC's information system indicates a significant upswing in system admissions starting in March 1997. DOC is planning to give additional scrutiny to the current data, with the focus on studying arrest dates, lengths of stay, and detention data.

In anticipation of the projected increase in inmates, the District does not plan to close the Medium Security Facility at Lorton, but intends to proceed with plans to move inmates to a facility operated by a private contractor, and to use the additional space to absorb the increase in inmate population. Based upon the best data available at the time of this request, DOC's admissions are expected to increase. In March 1997, 1,068 bench warrants were executed, compared to an average of 640 in March of both 1995 and 1996 and a four year monthly average of 658. A number of these individuals will end up in the jail. The courts are projecting an annualized increase of 1,500 felony cases and 1,000 misdemeanor cases. The overall conviction rate for arrestees who are charged with a crime is 65 percent. As the MPD continues to improve its operations, this percentage is expected to meet or exceed the national average of 75 percent.

DOC also anticipates a seasonal increase in the incarcerated population to occur during the spring and summer. The extent to which the MPD initiative may influence this seasonal increase can not be estimated with precision. The same can be said of the additional prosecutors the U.S. Attorney's Office plans to hire and money bail bond

legislation expected from the District Council. A rise in conviction and admission numbers is anticipated, but the magnitude of the impact on DOC's population can not be precisely estimated.

These projections are consistent with the recent experience of the New York City Department of Corrections. The New York City Police Department implemented a major narcotics initiative in Brooklyn, New York, beginning in April 1996. The initiative took place in all thirteen precincts, and is still continuing, though to a lesser extent. In September 1995, the New York City Police Department implemented Phase I of similar initiatives which focused more on misdemeanor offenses in three precincts in Manhattan North. In November 1996, the initiative expanded with the implementation of Phase II in the same three precincts, similar to plans outlined by the MOU partners on April 8, 1997 to make improvements in the organizational structure of the MPD that redeploys sworn officers to the beat and shifts the focus to proactive, rather than reactive policing.

The New York City Corrections Department was impacted by both initiatives, particularly the Brooklyn initiative which focused on felony offenses. Approximately 20 percent of all new admissions come from Brooklyn. This number increased to 23 percent after the new initiative was implemented, approximating ten new admissions per day. As the initiative continued, the jail population exploded and continued to increase.

The Manhattan initiative, which focused more on misdemeanor offenses, resulted in shorter lengths of stay at the jail. The impact of the Manhattan initiative was felt at the front end as the new admissions entered the system. As releases caught up with admissions, which took place in approximately 55 days, the impact became negligible. About half of the admissions for misdemeanor offenses were released from the jail within five days. The individuals staying for more than five days were likely to stay at the jail for more than one month. Misdemeanants typically enter and leave the system very quickly. Their length of stay is about one third of the length of stay for felony offenders. Some misdemeanants may stay in the jail longer because they end up with a "city sentence" of one year or less.

The New York Department of Corrections needed additional capacity during the height of the Brooklyn initiative because the corrections system was inundated with new admissions. The increase in admissions continued for approximately five months. In order to meet the space requirements for the new admissions, the Department had to delay planned fire safety projects that would have closed a facility and reduced capacity. Without the additional capacity, the initiatives would not have been successful.

The District's DOC is faced with the same situation as New York City. The DOC is nearly at capacity at most of its facilities currently, and had planned to close the Medium Security Facility and Zone 2 of the Occoquan Facility in fiscal year 1997. According to DOC, it can not close both facilities and absorb the additional inmates.

To meet the need for additional inmate beds, the DOC must keep the Medium Security Facility open in fiscal year 1997. The additional inmates resulting from the new policing initiatives would not be housed initially in the Medium Security Facility. However, to

avoid overcrowding at the D.C. Jail, which is operating under a court ordered population cap, DOC will have to move some of the inmates at the D.C. Jail to the Lorton facilities.

The DOC is planning to begin sending inmates currently housed in the Medium Security Facility to a contract facility beginning May 15, 1997. Based on spending to date for the Medium Security Facility, DOC projects that the total direct cost of keeping the facility open in FY97 is \$13.1 million, which equates to \$35,890 per day. But for the effects of the police initiative, DOC would be able to close the facility on May 15, 1997. The estimated cost to keep the facility open for an additional 138 days through fiscal year 1997 is approximately \$4.9 million.

SECTION III

***IMPACT OF ADDITIONAL
400 TO 500 POLICE OFFICERS***

Additional 400-1500 Police Officers

We are informed that 400 additional police officers were redeployed on March 7, 1997 to patrol units, with an additional redeployment of as many as 1,000 officers in the near future. This initiative by the Metropolitan Police Department will have a significant impact on the Superior Court's criminal caseload. From 1993-1995 the Superior Court experienced a yearly decrease in the number of felony and misdemeanor filings. In 1996 the Superior Court experienced a slight increase in the number of felony and misdemeanor filings. The Superior Court projects that the redeployment of significant numbers of police officers to the street, coupled with a renewed emphasis on arrests, will result in an increase in the number of criminal filings to approximately 1993 levels. In the remainder of FY 1997 this would result in an increase of approximately 1,500 felony arrests over FY 1996 levels. **These arrests will include new felony filings, felony case reactivations (consisting primarily of executed felony bench warrants), fugitive cases, and extradition cases. In addition to the increase in felony arrests, the Court projects that it will also experience an increase of between 1,000 and 3,000 additional misdemeanor case filings.** It is anticipated that in the remainder of FY 1997 the Superior Court will experience additional costs of between \$25,000 and \$30,000 in staff overtime to process additional case filings, and **between \$710,000 and \$1,520,000** in additional Criminal Justice Act expenditures (over FY 1996 spending) to provide legal representation for indigent defendants. In addition, the increased use of pre-trial preventive detention in both drug and gun cases will require the Superior Court to commit additional judicial resources to ensure that pre-trial detention cases will proceed to trial within 100 days as required by law. The total projected unfunded cost of additional police officers and the concomitant increase in arrests is **between \$740,000 and \$1,550,000**. Such increases will have a significant impact on criminal appeals at a time when appeals are at an all time high.

Juror Fees

An increase in the number of police officers will undoubtedly result in an increase in arrests and subsequent trial. We project that an additional 1,500 felony arrests will occur in the District in FY 1997. Based upon this figure we project that these arrests will result in 50 additional jury trials. This increase in jury trials will result in additional juror fees and administrative costs of approximately **\$78,000**.

Witness Fees

There is a direct relationship between juror and witness entitlement expenses. For every dollar spent on juror fees, approximately \$.80 in witness fees are incurred. Therefore, with an anticipated increase in juror fees of **\$78,000**, **witness fees are expected to increase proportionately by \$62,000.**

Interpreters

The Court has made a major effort to increase accessibility of court services to the District's non-English speaking community. Interpreters are hired on a daily basis to meet the needs of witnesses, defendants, and litigants in virtually every division of the court. Based on the projected increase in the number of arrests, we project that we will need an additional **\$8,500** in FY 1997 to cover unfunded costs for interpreters.

Superior Court Adjusted Figures for FY 1997
Supplemental Budget Request

The original case filing projections were based upon a short (approximately 1 week) observation in the number of arrestees appearing before the Court during the initial phase of the "Zero Tolerance for Crime" Initiative. After more closely examining the end of the month figures for March 1997, and having the initial opportunity to examine the actual number of cases filed during the entire month by case type, it is necessary for the Court to adjust the case filing projections for the remainder of FY 1997 (ending September 30, 1997). The Court expects that between the total number of new felony filings and an increased rate in the number of Felony Bench Warrant executions there will still be approximately 400 additional felony cases in FY 1997, which will require the appointment of CJA attorneys. After reviewing the misdemeanor filings for March the number of additional misdemeanor cases requiring the appointment of CJA Counsel in FY 1997 is estimated to be at a very minimum 650, and may increase to as high as 2,000. This will result in a need for a total of \$710,000 in CJA expenditures (based on 400 felony and 650 misdemeanor cases @ \$800/felony case; \$600/misdemeanor cases).

In addition by reviewing the available data concerning March case filings it is estimated that the Court will experience an increase of approximately 50 jury trials with an associated cost of \$78,000 in juror fees, \$62,000 in witness fees, and \$8,500 in interpreter fees (totaling \$148,500).

The estimate for additional probation officers will remain unaffected (\$500,000).

The total of this request is \$1,358,500.

SECTION IV

LOCK-UP AND CITATION

CASE SUMMARY

**LOCK-UP AND CITATION CASE SUMMARY
FOR APRIL 1997**

| DATE | LOCK-UP CASES | | | CITATION CASES | | TOTAL |
|---------|---------------|-----------|--------------|----------------|--------------|-------|
| | FELONY | U.S. MSPD | D.C.-TRAFFIC | U.S. MSPD | D.C.-TRAFFIC | |
| 4/1/97 | 35 | 30 | 17 | 5 | 36 | 123 |
| 4/2/97 | 54 | 53 | 18 | 9 | 30 | 164 |
| 4/3/97 | 41 | 59 | 30 | 8 | 36 | 174 |
| 4/4/97 | 54 | 63 | 33 | 19 | 55 | 224 |
| 4/5/97 | 30 | 45 | 42 | 0 | 0 | 117 |
| 4/6/97 | * | * | * | * | * | * |
| 4/7/97 | 49 | 103 | 38 | 11 | 39 | 240 |
| 4/8/97 | 37 | 53 | 29 | 4 | 43 | 168 |
| 4/9/97 | 39 | 61 | 43 | 10 | 34 | 187 |
| 4/10/97 | 37 | 35 | 24 | 17 | 42 | 155 |
| 4/11/97 | 50 | 48 | 35 | 17 | 63 | 213 |
| 4/12/97 | 31 | 55 | 30 | 1 | 0 | 117 |
| 4/13/97 | * | * | * | * | * | * |
| 4/14/97 | 57 | 112 | 46 | 6 | 37 | 258 |
| 4/15/97 | 41 | 58 | 26 | 10 | 26 | 159 |
| 4/16/97 | 58 | 73 | 50 | 11 | 26 | 218 |
| 4/17/97 | 59 | 60 | 46 | 16 | 42 | 223 |
| 4/18/97 | 42 | 74 | 23 | 19 | 57 | 215 |
| 4/19/97 | 53 | 60 | 21 | 0 | 0 | 134 |
| 4/20/97 | * | * | * | * | * | * |
| 4/21/97 | 68 | 91 | 40 | 12 | 43 | 254 |
| 4/22/97 | | | | | | |
| 4/23/97 | | | | | | |
| 4/24/97 | | | | | | |
| 4/25/97 | | | | | | |
| 4/26/97 | | | | | | |
| 4/27/97 | | | | | | |
| 4/28/97 | | | | | | |
| 4/29/97 | | | | | | |
| 4/30/97 | | | | | | |
| TOTAL | 833 | 1131 | 591 | 175 | 609 | 3339 |
| AVE. | 46 | 63 | 33 | 10 | 34 | 186 |



The Heritage Foundation 214 Massachusetts Avenue, N.E. Washington, D.C. 20002-4999 (202) 546-4400

Congressional Testimony

**RETHINKING THE ROLE OF THE
POLICE**

**Testimony before
The Senate Subcommittee on Oversight of
Government Management, Restructuring and the
District of Columbia**

April 30, 1997

**Robert Emmet Moffit
Deputy Director
Domestic Policy Studies**

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE:

MY NAME IS ROBERT E. MOFFIT. I AM THE DEPUTY DIRECTOR OF DOMESTIC POLICY STUDIES AT THE HERITAGE FOUNDATION, AND I SUPERVISE A STAFF OF ANALYSTS IN THE AREAS OF HEALTH, EDUCATION, WELFARE AND URBAN POLICY, INCLUDING URBAN CRIME. THE VIEWS I EXPRESS IN THIS TESTIMONY ARE MY OWN, AND SHOULD NOT BE CONSTRUED AS REPRESENTING ANY OFFICIAL POSITION OF THE HERITAGE FOUNDATION.

TRAGICALLY, NOWHERE HAS THE PROBLEM OF CRIME BEEN MORE ACUTE THAN HERE IN THE NATION'S CAPITOL. THE DISTRICT OFFICIALS' FEBRUARY 26, 1997 "MEMORANDUM OF UNDERSTANDING"¹. BASED ON THE PRELIMINARY REPORT OF BOOZE, ALLEN AND HAMILTON, A PROMINENT WASHINGTON CONSULTING FIRM, REVEALS THAT DURING THE PERIOD 1985 TO 1996, HOMICIDE INCREASED 169 PERCENT; ROBBERY INCREASED 50 PERCENT; ASSAULT INCREASED 39 PERCENT; AND AUTO THEFT INCREASED 490 PERCENT. AS THE MEMORANDUM STATES, "CRIME AND FEAR OF CRIME ARE UNACCEPTABLY HIGH AND THERE IS A STATE OF CRISIS."

FOR MY COLLEAGUES AT THE HERITAGE FOUNDATION, CRIME IS NOT AN ABSTRACT POLICY QUESTION. OVER THE PAST 36 MONTHS, 3 HERITAGE STAFF MEMBERS HAVE BEEN ROBBED AT KNIFE OR GUN POINT; A FEMALE STAFFER WAS CONFRONTED BY A VEHICLE WITH THREE OCCUPANTS, ONE OF WHOM AIMED A SHOTGUN AT HER AND DEMANDED HER PURSE; 5 VEHICLES HAVE BEEN BROKEN INTO DURING THE LAST 12 MONTHS; AND, LAST JUNE, AN ATTEMPTED SEXUAL ASSAULT TOOK PLACE IN THE HERITAGE FOUNDATION'S ANNEX PARKING LOT. SO THE SUCCESS OF THE METROPOLITAN POLICE

¹ The reference is to *MOU Partners: Interim Plan For Reducing Crime, Fear of Crime And Disorder in The District of Columbia*, February 26, 1997.

DEPARTMENT IS NOT AN OBJECT OF METAPHYSICAL INTEREST. HERITAGE STAFF ALL WORK IN THE DISTRICT OF COLUMBIA, AND MANY OF MY COLLEAGUES LIVE IN THE DISTRICT OF COLUMBIA.

AT THE SAME TIME, THERE ARE SOLID GROUNDS FOR OPTIMISM. IT IS WELL TO RECALL THAT IN THE EARLY 1970S, THE DISTRICT OF COLUMBIA HAD ONE OF THE STRONGEST POLICE FORCES IN THE NATION. THERE IS NO REASON WHY IT CANNOT BECOME A MODEL POLICE FORCE ONCE AGAIN. AND, IN OUR OWN WAY, MY COLLEAGUES AT THE HERITAGE FOUNDATION HAVE ENCOURAGED SERIOUS AND ENERGETIC REFORM OF THE METROPOLITAN POLICE DEPARTMENT.

ON OCTOBER 15, 1996, THE HERITAGE FOUNDATION SPONSORED A PUBLIC POLICY LECTURE BY WILLIAM J. BRATTON, FORMER COMMISSIONER OF THE NEW YORK CITY POLICE DEPARTMENT ON THE TOPIC: "IF NEW YORK CITY CAN REDUCE VIOLENT CRIME, WHY CAN'T D.C.?" THE REASON: OVER THE PAST FOUR YEARS, NEW YORK CITY HAS WITNESSED AN OVERALL REDUCTION IN CRIME BY 50 PERCENT. DURING COMMISSIONER BRATTON'S 27 MONTH TENURE ALONE, NEW YORK SAW A 36 PERCENT REDUCTION IN SERIOUS CRIME, INCLUDING A 44 PERCENT DROP IN AUTO THEFT AND A 45 PERCENT DROP IN MURDER. THE PURPOSE OF THE HERITAGE INITIATIVE WAS TO DETERMINE HOW, PRECISELY, THIS WAS ACCOMPLISHED AND WHAT POLICYMAKERS COULD LEARN FROM NEW YORK CITY'S STUNNING SUCCESS. AS A PANELIST, CHIEF LARRY SOULSBY OF THE METROPOLITAN POLICE DEPARTMENT WAS INVITED TO DISCUSS WHAT STEPS THAT THE POLICE DEPARTMENT COULD TAKE TO IMPROVE THE SITUATION, AND HE WAS JOINED BY THE HONORABLE ERIC HOLDER, UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA AND MR. DARYL VEAL, CHAIRMAN OF THE PUBLIC SAFETY COMMITTEE OF THE STANTON PARK NEIGHBORHOOD ASSOCIATION AT THE HERITAGE CONVOCATION. IT WAS A POSITIVE, ENCOURAGING AND PRODUCTIVE MEETING.

IN THE MEANTIME, MY COLLEAGUES AT THE HERITAGE FOUNDATION, ESPECIALLY EDWIN MEESE III, FORMER ATTORNEY GENERAL OF THE UNITED STATES, HAVE PUBLISHED VOLUME ON THE TOPIC OF CRIME IN GENERAL, *MAKING AMERICA SAFER: WHAT CITIZENS AND THEIR STATE AND LOCAL OFFICIALS CAN DO TO COMBAT CRIME*. IT IS COMPREHENSIVE AND FOCUSES ON ROOT CAUSES OF VIOLENT CRIME, THE BREAKDOWN IN FAMILY LIFE AND A GROWING NUMBER OF DERACINATED YOUNG PEOPLE, TO CRIMINAL JUSTICE REFORM AND, OF COURSE, THE REFORM OF THE POLICE. MUCH OF IT WILL HAVE DIRECT RELEVANCE TO THE PROBLEMS FACING THE OFFICIALS OF THE DISTRICT OF COLUMBIA.

I AM GOING TO CONFINE MY REMARKS THIS AFTERNOON TO HOW PUBLIC OFFICIALS AND POLICYMAKERS CAN HELP THE MEN AND WOMEN ON THE FRONT LINES: THE POLICE. WHERE APPROPRIATE, I WILL NOTE THE CONFLUENCE OF THE FINDINGS EMBODIED IN THE DISTRICT OFFICIALS "MEMORANDUM OF UNDERSTANDING" AND THE FINDINGS AND OBSERVATIONS THAT FORMER ATTORNEY GENERAL EDWIN MEESE AND I HAVE PUBLISHED UNDER THE AUSPICES OF THE HERITAGE FOUNDATION.

RETHINKING THE POLICE. PERHAPS THE BASIC PROBLEM IS THAT MOST OF US SIMPLY DO NOT THINK ABOUT THE POLICE, OR, PERHAPS TO BE MORE PRECISE, WE SIMPLY DO NOT THINK ENOUGH ABOUT THE POLICE UNTIL THERE IS A CRISIS.

IN THE FIRST MAJOR STUDY OF THE POLICE, *BEHIND THE SHIELD*,² ARTHUR NIEDERHOFF, A VETERAN OF THE NEW YORK CITY POLICE DEPARTMENT AND A PROFESSOR OF SOCIOLOGY ARGUES THAT FOR MOST AMERICANS THE POLICE ARE SIMPLY INVISIBLE. THEY HAVE TRADITIONALLY HAD A LOW SOCIAL STATUS IN AMERICAN CULTURE.

HISTORICALLY, THE POLICE ARE ALSO THE VICTIMS OF DISCRETE, OFTEN SUBTLE, AMERICAN CLASS PREJUDICES. THE MIDDLE CLASS, LAW ABIDING AND PREOCCUPIED WITH LIVING A NORMAL AND OTHERWISE UNEVENTFUL LIFE, LARGELY IGNORE THEM; THE UPPER CLASS, OPERATING AT VERY HIGH SOCIAL ALTITUDES, TOO OFTEN LOOK DOWN ON THEM ;AND THE LOWER CLASS , PARTICULARLY AMONG RACIAL AND ETHNIC MINORITIES, FEAR OR ACTIVELY DISLIKE THEM.

WITH PUBLIC OFFICIALS, THE SITUATION IS DIFFERENT, OF COURSE, BUT NOT RADICALLY DIFFERENT. EACH YEAR, MAYORS, CITY COUNCILS OR COUNTY BOARDS OF SUPERVISORS, STRUGGLE WITH NUMEROUS DIFFICULT AND OFTEN COMPLEX LOCAL ISSUES: ATTRACTING BUSINESSES AND JOBS INTO THE COMMUNITY, MANAGING PUBLIC WORKS PROJECTS, ADDRESSING THORNY ENVIRONMENTAL AND ZONING PROBLEMS , AND, OF COURSE, TRYING TO IMPROVE EDUCATION AND THE ACADEMIC PERFORMANCE OF THE SCHOOLS. BUT, SAVE FOR AN EMERGENCY OR SCANDAL OR SOME EMBARRASSING PROBLEM, THEIR CONSIDERATION OF THE POLICE IS LARGELY ROUTINE AND UNEXCEPTIONAL, CONFINED TO THE BUDGET OR MUNDANE MATTERS: HOW MUCH TO SPEND, HOW MANY OFFICERS TO APPOINT, OR THE PERIODIC CONFIRMATION OF A POLICE CHIEF. OTHERWISE, THE POLICE ARE OFTEN SIMPLY IGNORED. OF COURSE, THIS IS NOT TRUE EVERYWHERE. BUT IS NONETHELESS TOO OFTEN TRUE IN TOO MANY LOCALITIES. IT HAS BEEN CERTAINLY TRUE IN THE DISTRICT OF COLUMBIA. THE "MEMORANDUM OF UNDERSTANDING" DESCRIBES A METROPOLITAN POLICE DEPARTMENT PLAGUED BY "DEEP CYNICISM, LOW MORALE, POOR MANAGEMENT, AND THE LACK OF CLEAR VISION AND COMMON PURPOSE" , AND FURTHER NOTES THAT, " MANY OF THESE CONDITIONS EXISTED FOR THE LAST TEN YEARS." FROM THE STANDPOINT OF PUBLIC POLICY,IGNORING THE POLICE IS OUR GREATEST MISTAKE. WE

Arthur Niederhoff, *Behind The Shield; The Police in Urban Society* (Garden City, New York: Doubleday and Company, 1964).

CAN CORRECT THIS MISTAKE BY GOING BACK TO THE BASICS OF SOUND PERSONNEL MANAGEMENT. THERE ARE SEVERAL STEPS.

1. RETHINK THE JOB OF THE POLICE OFFICER OUR FIRST MAJOR TASK IS TO RETHINK THE ROLE OF THE POLICE, WHO THEY ARE, WHAT THEY DO, WHAT WE EXPECT OF THEM, AND HOW SHOULD WE HIRE, FIRE, PROMOTE AND PAY THEM.

WHAT PUBLIC OFFICIAL EXERCISE MORE DIRECT, CONCRETE AND IMMEDIATE AUTHORITY OVER EVERY CITIZEN OF THE UNITED STATES, REGARDLESS OF THEIR CLASS OR CONDITION, THAN A POLICE OFFICER ? NO PRESIDENT, NO CHIEF JUSTICE OF THE SUPREME COURT, NO MEMBER OF THE SENATE OR THE HOUSE OF REPRESENTATIVES, NO GOVERNOR OF ANY STATE IN THIS UNION EXERCISE MORE AUTHORITY- ON A DAY TO DAY- BASIS THAN A POLICE OFFICER. THE AUTHORITY OF THE POLICE OFFICER- IF YOU STOP AND THINK ABOUT IT FOR A MOMENT- IS AWESOME. THERE IS NOTHING ELSE LIKE IT. HE CAN STOP YOU AND QUESTION YOU. UNDER A GIVEN SET OF CIRCUMSTANCES- CIRCUMSTANCES THAT HE ALONE DEFINES- CAN ARREST YOU AND TAKE AWAY YOUR PERSONAL LIBERTY. INDEED, UNDER A SET OF CIRCUMSTANCES HE CAN EVEN DEPRIVE YOU OF YOUR LIFE. OF COURSE, HE IS BOUND BY RULES, AS IS EVERY OTHER PUBLIC OFFICIAL. BUT, AS PROFESSOR JAMES Q. WILSON AND OTHERS OBSERVE, THESE RULES TELL HIM WHAT HE CANNOT DO; THEY TELL HIM NOTHING ABOUT WHAT HE CAN OR SHOULD DO.

THERE IS A REASON FOR THIS; IT IS INHERENT IN THE POLICE OFFICER'S DUTY. THE POLICE ARE- AS PROFESSOR JAMES Q. WILSON AND OTHERS HAVE ALSO NOTED- THE SUPREME PARADOX OF PERSONNEL MANAGEMENT. IN VIRTUALLY EVERY PUBLIC OR PRIVATE INSTITUTION ONE CAN IMAGINE THE DISCRETION OF AN OFFICIAL - WHAT HE OR SHE CAN DO UNDER A BROAD CHARTER OF RESPONSIBILITY - INCREASES AS ONE

GOES UP THE HIERARCHY. AT THE VERY TOP OF THE PYRAMID - WHETHER IT IS RUNNING THE MICROSOFT CORPORATION OR THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES-- THIS DISCRETION IS ENORMOUS. THE POLICE ARE THE EXCEPTION TO THIS OTHERWISE IRON RULE OF MANAGEMENT. INDEED, IN THE CASE OF THE POLICE, THE DISCRETION IN THE EXERCISE OF AUTHORITY INCREASES AS ONE GOES DOWN THE HIERARCHY.³ SO, IN THE CASE OF THE POLICE, YOU HAVE A UNIQUE ROLE REVERSAL IN THE EXERCISE OF DISCRETION. THE POLICE ARE OPERATIONALLY INDEPENDENT, MUST AND DO RELY ON THEIR OWN GOOD JUDGMENT AND EXPERIENCE, WEIGHING THE RIGHTNESS OF AN ACTION, WITHOUT DIRECT SUPERVISION. SO, IN EFFECT, THE POLICE ARE GIVEN THE AUTHORITY TO MAINTAIN ORDER- ABOUT 80 PERCENT OF THEIR REGULAR RESPONSIBILITIES- AND TO ENFORCE THE LAW WITH A NECESSARILY BROAD DISCRETION. IN EFFECT, THEY ARE AUTHORIZED TO MAKE SPLIT SECOND DECISIONS, IN MATTERS OF LIFE AND DEATH, WITHIN THE CONFINES OF THE LAW AND THE CONSTITUTION. PUBLIC OFFICIALS SHOULD THINK ABOUT THAT, AND THINK ABOUT WHAT KIND OF PERSON THEY WANT IN THAT KIND OF JOB.

TAKE POLICE DETECTIVES, ANOTHER VARIATION ON PROFESSIONAL RESOURCEFULNESS. IMAGINE A MURDER IN A SUBURBAN SECTION OF THE CITY. THE MODEST HOUSE IS SURROUNDED BY UNIFORMED PATROLMEN, NEIGHBORS, ONLOOKERS, REPORTERS AND PHOTOGRAPHERS, CORDONED OFF WITH YELLOW TAPE. THE DETECTIVE ARRIVES ON THE SCENE. HE FINDS A WOMAN MURDERED IN HER KITCHEN. HE HAS TO POSE AND ANSWER A NUMBER OF KEY QUESTIONS. WHO DID IT? HOW DID THEY DO IT? AND, EVEN MORE INTERESTING, WHY DID THEY DO IT? THIS IS A FORMIDABLE TASK. IT TAKES THE ABILITY TO ASK THE RIGHT QUESTIONS TO THE RIGHT PEOPLE, PLUS A STRONG CAPACITY FOR LOGICAL DEDUCTION AND AN EQUALLY KEEN UNDERSTANDING OF HUMAN NATURE. AFTER THE DETECTIVE ANSWERS THESE QUESTIONS TO HIS OWN

³ See James Q. Wilson, *Varieties of Police Behavior* (New York: Atheneum Press, 1970)

SATISFACTION, IDENTIFIES AND ARRESTS THE SUSPECT, AND FILES THE POLICE REPORTS, TO BE USED BY THE LAWYERS IN THE PROSECUTOR'S OFFICE, THEN THE NEXT PHASE OF THE JOB BEGINS. HE HAS TO PREPARE FOR HIS COURT APPEARANCE AS A KEY WITNESS FOR THE STATE, ANTICIPATE THE DEFENSE ATTORNEYS' INTERROGATION UNDER OATH, AND SEE THE CASE TO THE CONCLUSION, GETTING READY TO APPEAR AGAIN IF THE CASE GOES TO APPEAL. IN THE MEANTIME, OF COURSE, THERE ARE OTHER CASES TO INVESTIGATE AND RESOLVE.

2. RETHINK THE STANDARDS FOR POLICE PERSONNEL. THE PROBLEM OF THE POLICE IS ULTIMATELY A PROBLEM OF PERSONNEL MANAGEMENT. SPECIFICALLY, IT IS AN ISSUE OF ADOPTING APPROPRIATE STANDARDS IN RECRUITING, STAFFING AND PROMOTING AND DEPLOYING POLICE OFFICERS. AS MY COLLEAGUE AT THE HERITAGE FOUNDATION WILLIAM BENNETT HAS REMARKED, NO PERSONNEL DECISION IN GOVERNMENT SERVICE IS MORE IMPORTANT THAN THE HIRING OF A POLICE OFFICER. IF YOU MAKE A MISTAKE IN HIRING A POLICE OFFICER, THE CONSEQUENCES CAN BE CATASTROPHIC. THIS CATASTROPHE CAN TAKE THE FORM OF POLICE FAILURE TO ACT, ABUSE OF CITIZENS, RACIAL BIGOTRY, EXCESSIVE USE OF FORCE, TAMPERING WITH EVIDENCE, OR PERJURY. THE HIRING OF BAD, BRUTAL OR INCOMPETENT COPS CAN TAKE A TERRIBLE TOLL, NOT ONLY IN TERMS OF PUBLIC SAFETY, BUT ALSO IN TERMS OF PUBLIC CONFIDENCE IN THE POLICE AND LOCAL GOVERNMENT ITSELF. THE WORST OF IT IS THAT MANY GOOD POLICE OFFICERS, THOSE OUT WORKING THE PRECINCTS AND GIVING EVERY OUNCE OF EFFORT ALSO PAY A VERY HIGH PRICE- LOW MORALE, LACK OF PUBLIC RESPECT. AND, OF COURSE, WHERE THE POLICE FORCE IS MISMANAGED, THE CRIME RATE SOARS INTO THE STRATOSPHERE.

PUBLIC OFFICIALS WOULD DO THEMSELVES AND THEIR CONSTITUENTS A GREAT SERVICE IN SIMPLY ASKING THEMSELVES HOW MANY PEOPLE IN THEIR PERSONAL

ACQUAINTANCE DO THEY KNOW WHO COULD REALLY DO THIS JOB, AND DO IT WELL. ?
 WHAT KIND OF A PERSON DO YOU WANT TO DO THIS KIND OF A JOB? IT IS A HUGE
 QUESTION FOR LOCAL GOVERNMENT OFFICIALS, ESPECIALLY OFFICIALS OF THE
 DISTRICT OF COLUMBIA.

THE PROBLEM IS THAT, THEORETICALLY, THE ANSWERS ARE TOO SIMPLE, TOO EASY.
 CLEARLY, ONE WANTS A PERSON OF EXCELLENT JUDGEMENT, THE KIND OF PERSON WHO
 CAN MAKE TERRIFIC DECISIONS UNDER DIFFICULT CIRCUMSTANCES, WHO KNOWS WHEN
 TO PRESS THE AUTHORITY OF THE LAW AND WHEN TO BACK OFF, A PERSON WHO CAN
 DIFFUSE A SITUATION BEFORE IT GETS OUT OF HAND, A PERSON WHO IS A " STREET
 CORNER" POLITICIAN. CLEARLY, YOU WANT A PERSON WHO HAS A SOUND WORKING
 KNOWLEDGE OF THE LAW AND CRIMINAL PROCEDURE , A SUBJECT WHICH IS
 INCREASINGLY PERPLEXING EVEN FOR OFFICIALS WHO HAVE HAD EXTENSIVE LEGAL
 TRAINING. MOST IMPORTANTLY , YOU ALSO WANT A PERSON OF STRONG CHARACTER,
 AND UNQUESTIONED INTEGRITY, A PERSON WHO POSSESSES NOT ONLY PHYSICAL
 COURAGE, BUT ALSO MORAL COURAGE, A PERSON WHO CAN BE COUNTED UPON TO DO
 WHAT IS RIGHT, REGARDLESS OF THE PRESSURES TO DO OTHERWISE IN AN
 ENVIRONMENT WHERE THE OPPORTUNITIES FOR DOING OTHERWISE ARE RICH. A BAD
 PERSON CANNOT BE A GOOD COP.

3. RETHINK THE ROLE OF POLICE IN PREVENTING AND CONTROLLING CRIME.

ACCORDING TO THE DC "MEMORANDUM OF UNDERSTANDING", " THE MPD'S MISSION IS
 TO ELIMINATE CRIME, FEAR OF CRIME AND GENERAL DIORDER, WHILE ESTABLISHING
 RESPECT AND TRUST WITHIN THE COMMUNITY." THIS IS A WELCOME BREAK WITH
 TRADITION. IN THE PROFESSIONAL LITERATURE OF POLITICAL AND SOCIAL SCIENCE,
 THERE HAS TRADITIONALLY BEEN LITTLE SUPPORT FOR THE IDEA THAT THE POLICE CAN

PLAY A DECISIVE ROLE IN PREVENTING AND CONTROLLING CRIME. THAT, AT THE END OF THE DAY, VAST CULTURAL, SOCIAL AND ECONOMIC FORCES ARE AT THE ROOT OF THE VIOLENT CRIME PROBLEM, AND THE POLICE CAN ONLY CLEAN UP AFTER INDIVIDUALS MAKE A MESS OF THEIR OWN LIVES AND THE LIVES OF OTHERS. EVEN IF YOU GRANT THE TRUTH OF MUCH OF THIS TRADITIONAL POINT OF VIEW, THERE IS EMERGING SOUND SOCIAL THEORY AND HARD CONCRETE EXPERIENCE FOR RETHINKING OUR VIEWS ABOUT CRIME AND HOW TO COMBAT IT.

THERE IS A POPULAR ASSUMPTION THAT AN INCREASE IN THE NUMBER OF POLICE OFFICERS WILL HAVE A DECISIVE EFFECT IN PREVENTING OR CONTROLLING CRIME. THE POPULAR ASSUMPTION, HOWEVER, IS NOT SUPPORTED BY SCIENTIFIC EVIDENCE. IT IS ESPECIALLY NOTEWORTHY THAT THE DISTRICT'S "MEMORANDUM OF UNDERSTANDING" REVEALS THAT THE DISTRICT OF COLUMBIA HAS A LARGER NUMBER OF SWORN POLICE OFFICERS *PER CAPITA* (7.18 PER 1000 POP.) THAN DETROIT(5.18), CHICAGO(5.00), NEW YORK(4.23), BALTIMORE(4.20) , PHILADELPHIA(4.06) AND LOS ANGELES(2.66). IN OTHER WORDS, THE NATION'S CAPITAL RANKS AMONG THE HIGHEST IN PER CAPITA POLICE PRESENCE IN THE UNITED STATES, AND YET WE HAVE HERE ONE OF THE WORST CRIME RATES IN THE COUNTRY.

NONE OF THIS IS SURPRISING. SINCE THE 1950S, WE HAVE HAD NUMEROUS EMPIRICAL STUDIES ON THE RELATIONSHIP BETWEEN POLICE PRESENCE AND THE CRIME RATES, AND THESE EMPIRICAL INVESTIGATIONS YIELD NO POSITIVE RELATIONSHIP BETWEEN THE NUMBERS OF POLICE AND THE PREVALENCE OF CRIME . FOR EXAMPLE, BETWEEN 1952 AND 1978, TOTAL POLICE PERSONNEL IN THE UNITED STATES ROSE 171 PERCENT , BUT THE CRIME RATE ROSE 441 PERCENT, OR MORE THAN TWICE THE INCREASE IN THE NUMBER OF POLICE. RECENT STUDIES HAVE CONFIRMED THE ABSENCE OF THIS RELATIONSHIP.

BUT EMERGING RESEARCH⁴ IS TELLING US A LOT ABOUT THE RELATIONSHIP OF POLICE TO THE INCIDENCE OF CRIME. THE RESEARCH TELLS US THAT IT IS NOT THE NUMBER OF POLICE THAT MAKES A DIFFERENCE, BUT RATHER *WHAT* THE POLICE ARE DOING; *HOW* THEY ARE BEING USED; HOW THEY ARE BEING *DEPLOYED*. ONCE AGAIN, IT IS A FUNCTION OF PERSONNEL MANAGEMENT AND STRATEGIC THINKING ABOUT CRIME.

WHAT WASHINGTON DC CAN LEARN FROM THE EXPERIENCE OF NEW YORK CITY

PERHAPS THE MOST DRAMATIC EXAMPLE OF POLICE SUCCESS IN COMBATING CRIME IS, OF COURSE, IN NEW YORK CITY, WHERE CRIME HAS DROPPED A STUNNING 50 PERCENT SINCE 1990 AND HAS HAD A PROFOUND AFFECT ON COMMUNITY RELATIONS. CITY OFFICIALS DELIVERED ON PROMISES TO LOW INCOME MINORITY CITIZENS WHO DISPROPORTIONATELY RIDE NEW YORK'S SUBWAYS. CITY OFFICIALS HAVE DELIVERED FREEDOM FROM FEAR, AS WELL AS PHYSICAL SAFETY. IN SO DOING, POLICE OFFICERS THEMSELVES, OFTEN A FLASHPOINT OF RACIAL TENSION, STARTED TO REBUILD A RELATIONSHIP OF TRUST BETWEEN THE GREAT CITY'S MINORITY COMMUNITY, LARGELY BLACK AND HISPANIC, AND THE NEW YORK CITY POLICE DEPARTMENT.

IT IS NOT FAIR TO SAY THAT WHAT WORKS IN NEW YORK CITY WILL NECESSARILY WORK EXACTLY THE SAME WAY IN WASHINGTON DC. BUT THE EXPERIENCE OF NEW YORK CITY BEARS THE CLOSEST ATTENTION OF LOCAL AND STATE OFFICIALS ALL OVER THE COUNTRY. ON THE SURFACE, AT LEAST, THERE ARE THREE REASONS FOR THIS:

⁴ Particularly the work of Professor George Kelling of Northeastern University, Lawrence Sherman of the University of Maryland, and James Q. Wilson of the University of California at Los Angeles.

FIRST, NEW YORK CITY CONSUMMATED A MARRIAGE OF OLD FASHIONED POLICE WORK AND MODERN SOCIAL SCIENCE. THE SOCIAL SCIENCE COMPONENT WAS THE 1980S WORK OF JAMES Q. WILSON THEN AT HARVARD UNIVERSITY AND PROFESSOR GEORGE KELLING OF NORTHEASTERN UNIVERSITY. WILSON AND KELLING DEVELOPED THE THEORY THAT THERE IS A DIRECT RELATIONSHIP BETWEEN CRIME AND DISORDER, POPULARLY KNOWN AS THE "BROKEN WINDOW" SYNDROME.⁵ IF A BROKEN WINDOW IS NOT FIXED, MORE WINDOWS WILL BE BROKEN. THE BROKEN WINDOW, LIKE THE PRICE OF A SHARE ON THE STOCK MARKET, IS AN UNMISTAKABLE SIGNAL TO THE CRIMINAL POPULATION. THE INCIDENTS OF DISORDER, INCLUDING PUBLIC DRUNKENNESS, PUBLIC URINATION, GRAFFITI, VANDALISM, PROSTITUTION AND EVEN THE PHYSICAL DETERIORATION OF A NEIGHBORHOOD, SENDS A POWERFUL MESSAGE TO THE CRIMINAL POPULATION. THAT MESSAGE: THE PEOPLE IN THE NEIGHBORHOOD REALLY DON'T CARE ABOUT THE NEIGHBORHOOD, AND THEREFORE THEY ARE NOT LIKELY TO CALL THE POLICE. DISORDER LEADS TO FEAR, AND FEAR LEADS TO URBAN DECAY. THE LOGICAL AND NECESSARY CONCLUSION OF THIS PROCESS IS THAT THE DETERIORATING NEIGHBORHOOD- CHARACTERIZED BY "BROKEN WINDOWS"- IS A GOOD PLACE TO DO BAD BUSINESS- ILLEGAL BUSINESS, ESPECIALLY ILLEGAL DRUG BUSINESS. THEREFORE, THE DETERIORATING NEIGHBORHOOD IS LIKELY TO BECOME WHAT POLICE CALL A HOT SPOT.

RESEARCH SHOWS THAT 3 PERCENT OF THE ADDRESSES IN ANY GIVEN METROPOLITAN AREA ARE THE LIKELY HOT SPOTS FOR CRIMINAL ACTIVITY. IF THE POLICE KNOW, WITH COMPUTER TRACKING WHERE PRECISELY THESE HOT SPOTS ARE, THIS MEANS THAT POLICE CAN CONCENTRATE THEIR ENERGIES IN PREVENTING OR COMBATING CRIMINAL BEHAVIOUR.

⁵ For an excellent update of the theory in action, see George Kelling and Catherine M. Coles, *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities* (New York: The Free Press, 1996).

THERE IS ANOTHER BASIC PRINCIPLE UNDERLYING THE ATTACK ON DISORDER. PERSONS WHO COMMIT "BIG" CRIMES- RAPE ROBBERY, ASSAULT AND MURDER- ARE OFTEN PERSONS WHO THINK NOTHING OF COMMITTING " LITTLE" CRIMES. IN NEW YORK CITY, WHEN THE TRANSIT POLICE CRACKED DOWN ON FARE BEATING, THE PRACTICE OF JUMPING OVER THE TURNSTYLES, TO GET ON THE SUBWAY, COMMISSIONER BRATTON AND HIS TEAM FOUND THAT ONE OUT OF EVERY SIX FARE BEATERS IN 1991 CARRIED A WEAPON OR WAS WANTED FOR ANOTHER CRIME ON AN OUTSTANDING WARRANT. NEEDLESS TO SAY, THE DROP IN FAREBEATERS ACCOMPANIED A DROP IN SERIOUS CRIME IN NEW YORK CITY'S ONCE INFAMOUS SUBWAYS.

THE NEW YORK CITY STRATEGY, OUTLINED BY COMMISSIONER WILLIAM BRATTON, WAS TO PATROL THE "HOT SPOTS", THE PLACES WHERE CRIME IS COMMITTED AND PURSUE A VIGOROUS AND AGGRESSIVE POLICE ENFORCEMENT TO QUELL QUALITY OF LIFE CRIMES OR DISORDER. THOSE SUSPECTS WOULD BE SUBJECT TO INTENSE INTERROGATIONS BY THE POLICE TRYING TO GET MORE INFORMATION, GETTING SOLID LEADS ON ILLEGAL DRUG OR GUNS, FOLLOWED UP BY MORE ARRESTS.

SECOND, NEW YORK CITY MODERNIZED POLICE MANAGEMENT. MOST URBAN POLICE DEPARTMENTS ARE LARGE CENTRALIZED BUREAUCRATIC INSTITUTIONS, REFLECTING THE CIVIL SERVICE CULTURE OF THE 1930S. MANAGEMENT WAS TOP DOWN- SO WAS INITIATIVE. THIS HAS EXACTED BOTH A MANAGERIAL AND A PSYCHOLOGICAL COST. THE POLICE WERE AND STILL ARE SUBJECT TO CONTINUAL MONDAY MORNING QUARTERBACKING BY PRESS, POLITICIANS AND MEMBERS OF THE LEGAL PROFESSION. IF THE POLICE ARE MENTALLY ALWAYS PLAYING DEFENSE, BEING SECOND- GUESSED BY A VARIETY OF INDIVIDUALS WHO OFTEN HAVE NO CONCEPT OF

WHAT THEY ARE UP AGAINST ON THE STREET, THERE IS A GOOD CHANCE THAT THEY WILL GIVE UP THE ENTRPRENEURIAL SPIRIT ESSENTIAL TO GOOD POLICE WORK.

IN NEW YORK CITY, COMMISSIONER BRATTON DEVOLVED AUTHORITY DOWNWARD FROM HEADQUARTERS TO THE CITY'S 76 PRECINCT COMMANDERS AND, IN EFFECT, TOLD THEM : " THIS PRECINCT IS YOUR PRECINCT; THIS LITTLE PIECE OF REAL ESTATE IS YOUR PERSONAL TERRITORY . THE QUALITY OF LIFE, THE SAFETY AND SECURITY OF THE PERSONS IN THIS COMMUNITY ARE YOUR PERSONAL RESPONSIBILITY. AND YOU ARE PERSONALLY ACCOUNTABLE FOR THE PERFORMANCE OF YOUR TROOPS."

THIS STYLE OF DEVOLUTION -MAKING POLICE MANAGERS TAKE DIRECT RESPONSIBILITY FOR THIER ACTIONS AND HOLDING THEM DIRECTLY ACCOUNTABLE FOR THEIR PERFORMANCE- PROVED TO BE A CULTURAL SHOCK FOR MANY OF THE COMMANDERS, AND MANY COULD NOT OR WOULD NOT , ABIDE BY THE NEW MANAGERIAL REVOLUTION THAT BRATTON AND MAYOR RUDOPH GIULIANI SET IN MOTION. AS A RESULT OVER 50 PERCENT OF THE NEW YORK CITY POLICE PRECINCT COMMANDERS WERE REPLACED IN 27 MONTHS.

POLICE ACCOUNTABILITY AND PERFORMANCE ARE REGULARLY MONITORED IN NEW YORK. EACH WEEK, THE NYPD COOMANDERS MEET AT HEADQUARTERS, AND ARE CALLED TO ACCOUNT FOR THE CRIME AND DISORDER , AND WHAT STEPS THEY ARE TAKING TO GET THIS PROBLEMS UNDER CONTROL. THE MEETINGS ARE NOT SIMPLY A REPORTING SESSION. THEY ALSO PRESENT AN OPPORTUNITY FOR THE COMMISSIONER AND THE TOP BRASS OF THE POLICE DEPARTMENT TO RECOGNIZE POLICE OFFICERS AND THE COMMANDERS IN THE CITY WHO ARE DOING A GOOD JOB.

THIRD, NEW YORK CITY PROMOTED COMPUTER TRACKING OF CRIME AS A MANAGEMENT TOOL. NEW YORK CITY OFFICIALS HAVE KEPT TRACK OF THEIR PROGRESS. WITH COMPUTER TRACKING, THEY COLLATE THE DATA FOR FELONIES, DISORDER, AND EVEN THE NUMBER OF PAROLEES AND PROBATIONERS IN A PRECINCT. THE DATA BASE IS THE FOUNDATION FOR ONGOING MANAGEMENT DISCUSSIONS AND HOW THE CITY POLICE FORCE SHOULD BEST ALLOCATE ITS RESOURCES.

THE EXAMPLE OF PRINCE GEORGE'S COUNTY. THESE COMMON SENSE LESSONS SHOULD BENEFIT WASHINGTON DC. FOR EXAMPLE, IN NEIGHBORING PRINCE GEORGE'S COUNTY, MARYLAND, THE POLICE DEPARTMENT ADOPTED A PROGRAM, " THE VIOLENCE ABATEMENT PROJECT", OF ATTACKING STREET LEVEL DRUG DEALERS AND, USING COMPUTER GENERATED CRIME MAPS, STARTED A CRACKDOWN ON THE HOT SPOTS OF VIOLENT CRIME. THEY DID THIS BY FLOODING THE "HOT SPOTS" DURING PEAK HOURS OF VIOLENCE. THEY KNEW FROM THE DATA BASE, WHEN AND WHERE CRIME IS LIKELY TO TAKE PLACE. JUST AS IN NEW YORK CITY, THE POLICE WOULD STOP INDIVIDUALS FOR MINOR INFRACTIONS, INTERROGATE THEM AND FIND OUT WHETHER THEY WERE CARRYING DRUGS OR ILLEGAL GUNS. WITH PERSISTENT QUESTIONING, THEY WERE ABLE TO GET LEADS ON THOSE WHO WERE ENGAGED IN SUCH ILLEGAL TRANSACTIONS. WITH THE PRINCE GEORGE'S COUNTY POLICE DEPARTMENT SPENDING \$640,000 ON THE PROJECT, IT HAS NETTED 703 ARRESTS. AND, JUST AS IN NEW YORK CITY, CRIME HAS FALLEN IN ALMOST EVERY CATEGORY IN THE FIRST TWO QUARTERS OF 1996, ROBBERY FELL 16 PERCENT; CAR THEFT FELL 19 PERCENT; BURGLARY DECLINED 5 PERCENT. BUT HOMICIDE IN PRINCE GEORGE'S COUNTY FELL 22 PERCENT.

EFFECTIVE POLICE WORK IS ALSO MAKING A DIFFERENCE IN THE QUALITY OF LIFE FOR THE CITIZENS OF PRINCE GEORGE'S COUNTY. ANTHONY KEMP, A MANAGER OF A SUITLAND PAWSHOP TOLD THE AUGUST 21, 1996 EDITION OF *THE WASHINGTON POST*,

"THERE WERE ALWAYS PANHANDLERS, DRUG DEALERS AND STREETWALKERS ALL LOITERING AROUND. THEY'VE EITHER BEEN CHASED OFF OR LOCKED UP. I DON'T KNOW, BUT I JUST DON'T SEE THEM ANYMORE. SUSAN KING, WHO MANAGES THE WHITFIELD TOWN APARTMENTS LIKEWISE TOLD *THE WASHINGTON POST*, "IT'S ONLY A MILLION PERCENT BETTER. A YEAR AGO, EVERY STREET CORNER AND BUILDING BELONGED TO PROSTITUTES AND DRUG DEALERS. THE ONLY THING YOU SEE ON MY STREET CORNERS NOW ARE KIDS PLAYING."

A LONGTERM STRATEGY FOR PERSONNEL MANAGEMENT REFORM FOR THE POLICE.

IT APPEARS THAT CHIEF LARRY SOULSBY AND THE METROPOLITAN POLICE DEPARTMENT ARE OFF TO A STRONG START IN IMPROVING THE EFFECTIVENESS OF THE POLICE FORCE OF THE NATION'S CAPITAL. THEY WILL NEED THE FULL AND UNCOMPROMISING SUPPORT OF THE CITY OFFICIALS, MEMBERS OF THE CONGRESS AND THE CITIZENS OF THE DISTRICT OF COLUMBIA.

PURSUANT TO MANAGEMENT RECOMMENDATIONS FROM THE FIRM OF BOOZE, ALLEN AND HAMILTON, THE DISTRICT OFFICIALS IN THEIR MEMORANDUM OF UNDERSTANDING OF FEBRUARY 26, 1997 ARE PLEDGED TO GIVE THE CHIEF THE AUTHORITY HE NEEDS TO "ENERGIZE" AND IMPROVE THE DEPARTMENT, IMPLEMENT MODERN CRIME FIGHTING STRATEGIES, AND TO RESTRUCTURE THE MPD TO IMPLEMENT "MODERN MANAGEMENT PRACTICES", EMPHASIZING THE ROLE OF PERFORMANCE IN PERSONNEL MANAGEMENT DECISIONS. INTERESTINGLY, A NUMBER OF THESE KEY RECOMMENDATIONS NICELY COMPLEMENT A SERIES OF BROADER MANAGEMENT PROPOSALS PUBLISHED BY FORMER UNITED STATES ATTORNEY GENERAL EDWIN MEESE AND MYSELF ON AUGUST

21, 1996 FOR THE HERITAGE FOUNDATION.⁶ MANY OF THEM ARE DIRECTLY APPLICABLE TO THE WASHINGTON D.C. METROPOLITAN POLICE DEPARTMENT. LET ME SHARE WITH THE SUBCOMMITTEE THE MOST SALIENT POLICY PROPOSALS.

1. ESTABLISH SERIOUS STANDARDS IN PERSONNEL MANAGEMENT. ACCORDING TO THE "MEMORANDUM OF UNDERSTANDING", "BEST BUSINESS PRACTICES DICTATE THAT ANY EFFECTIVE CHIEF OPERATING OFFICER MUST HAVE THE AUTHORITY TO EMPOWER HIS ORGANIZATION BY APPLYING RIGOROUS STANDARDS TO THE RECRUITMENT AND ADVANCEMENT OF PERSONNEL." THIS IS LIKELY TO PROVE TO BE THE TOUGHEST TASK OF ALL.

IN TOO MANY CITIES BASIC STANDARDS HAVE ALL BUT DISAPPEARED. IN WASHINGTON DC, FOR EXAMPLE, CANDIDATES FOR POLICE PROMOTIONS HAVE BEEN ABLE TO GET PASSING GRADES MERELY BY ANSWERING LESS THAN HALF OF THE QUESTIONS ON WRITTEN EXAMINATION. LAST YEAR, AFTER BEING INVESTIGATED BY REPORTERS OF *THE WASHINGTON POST*, LOCAL POLICE OFFICIALS CONCEDED THAT THEY DID THIS IN ORDER TO MEET EQUAL EMPLOYMENT OPPORTUNITY COMMISSION "DIVERSITY GUIDELINES". IF THIS WAS A SERIOUS RESPONSE, LOCAL OFFICIALS HAVE MADE A LAUGHINGSTOCK OF MERIT SELECTION IN THE METROPOLITAN POLICE DEPARTMENT. THE DISTRICT OF COLUMBIA , OF COURSE, IS NOT ALONE. IF WE ARE TO RETURN TO HIGH STANDARDS IN THE HIRING OF POLICE OFFICERS, LOCAL OFFICIALS MUST GET SERIOUS ABOUT REQUIRING, AT A MINIMUM, STANDARDIZED TESTS TO EXAMINE A RECRUITS COGNITIVE ABILITY.

⁶ The reference is to Robert E. Moffit and Edwin Meese III, "Getting Back- Up: Twenty One Steps Public Officials Can Take To Support Their Local Police," Heritage Foundation *Backgrounder*, No. 1089, August 21, 1996.

2. ESTABLISH AND MAINTAIN CREDIBLE BACKGROUND INVESTIGATIONS.

UNFORTUNATELY, ONCE AGAIN, THE METROPOLITAN POLICE DEPARTMENT HAS BEEN A MODEL OF EXACTLY WHAT NOT TO DO. BECAUSE OF LOW PERSONNEL STANDARDS AND RUSH HIRING, DC OFFICIALS, TOWARD THE BEGINNING OF THIS DECADE, WERE EVEN HIRING OFFICERS WITH CRIMINAL RECORDS, INCLUDING DRUG CHARGES. AS A RESULT, US ATTORNEY ERIC HOLDER COULD NOT USE THEM AS THE KEY WITNESSES IN THE PROSECUTION OF MAJOR DRUG CASES. TO MAKE SURE THAT WE HAVE THE BEST PERSONS FOR THE JOB IN THE NATION'S CAPITAL, PERSONNEL INVESTIGATORS SHOULD TAKE A GOOD LOOK INTO FUTURE POLICE OFFICERS' THE PAST BEHAVIOUR, INCLUDING ASSOCIATIONS OR MARITAL AND FINANCIAL STABILITY, AS WELL AS REPUTATION FOR MORAL STANDARDS AND PERSONAL INTEGRITY. IT IS INCONCEIVABLE THAT LOCAL OFFICIALS, OR MEMBERS OF CONGRESS, FOR EXAMPLE, WANT WIFE-BEATERS ON A POLICE FORCE CRACKING DOWN ON DOMESTIC VIOLENCE. PERIODIC REINVESTIGATIONS ARE ESPECIALLY APPROPRIATE FOR OFFICERS ASSIGNED TO SENSITIVE CASES, SUCH AS NARCOTICS, ORGANIZED CRIME OR SIMILAR SPECIAL ASSIGNMENTS.

3. DRAW POLICE RECRUITS FROM EVERY SECTOR OF THE COMMUNITY. ACROSS AMERICA, THE GOOD NEWS IS THAT POLICE DEPARTMENTS HAVE BEEN MORE BROADLY REPRESENTATIVE OF THE COMMUNITIES THEY SERVE. BETWEEN 1970 AND 1990, THE NUMBER OF BLACK POLICE OFFICERS ROSE DRAMATICALLY AND CONSTITUTED 41 PERCENT OF ALL NEW HIRES. LOCAL OFFICIALS OUGHT TO KEEP THAT BROAD REPRESENTATION. INDEED, IT IS ESSENTIAL FOR SUCCESSFUL POLICE WORK. BUT THIS DOES NOT MEAN RESORTING TO RACIAL ,ETHNIC OR GENDER QUOTAS, WHICH SIMPLY UNDERMINE POLICE MORALE AND PUBLIC CONFIDENCE. IT DOES MEAN HIRING ONLY THE BEST FROM EVERY SECTOR OF THE COMMUNITY.

ONE WAY TO BROADEN MINORITY REPRESENTATION ON THE POLICE FORCE IS TO RECRUIT AGGRESSIVELY FROM THE UNITED STATES MILITARY. THE AMERICAN MILITARY IS AN ORGANIZATION WITH A DISPROPORTIONATELY HIGH NUMBER OF BLACKS AND HISPANICS AND OTHER MINORITIES. LOCAL OFFICIALS , IN RECRUITING FROM THE MILITARY, ALREADY HAVE A TERRIFIC POOL OF CANDIDATES WHO ARE TESTED AND ENCULTRATED IN AN INSTITUTION CHARACTERIZED BY A HIGH DEGREE OF DISCIPLINE AND HIGH STANDARDS. MOREOVER, THE AMERICAN MILITARY, LIKE MANY OF THE MOST WELL RUN COROPORATIONS IN THE PRIVATE SECTOR, REWARDS PERFORMANCE ON THE JOB.

4. ANCHOR THE POLICE IN THE COMMUNITY. THIS DOES NOT SIMPLY MEAN GOING BACK TO "COPS ON THE BEAT" OR USING METHODS OF COMMUNITY POLICING - ALTHOUGH THESE ARE WELL TESTED MECHANISMS FOR PREVENTING OR CONTROLLING CRIME. IT MEANS ALSO FINDING WAYS TO GET THE POLICE TO LIVE IN THE COMMUNITIES THEY ARE SERVING. HOUSING VOUCHERS AND LOW INTEREST LOANS ARE BEING USED TO ACCOMPLISH THIS TASK. IT IS BEING USED IN SEVERAL COMMUNITIES AROUND THE COUNTRY LIKE PORTLAND, OREGON AND CHARLESTON , SOUTH CAROLINA. I WOULD NOTE, IN THIS CONTEXT, THAT THE "MEMORANDUM OF UNDERSTANDING", AS A NEW OPERATING MODEL, CALLS FOR "DEVELOPING A NEW COMPENSATION PLAN WITH AN "EMPHASIS ON COMMUNITY POLICING."

5. MODERNIZE POLICE MANAGEMENT. IN THE " MEMORANDUM OF UNDERSTANDING", DISTRICT OFFICIALS CALL FOR MODIFYING THE " APPEALS PROCESS" TO ENABLE THE DEPARTMENT, PARTICULARLY THE CHIEF, TO FIRE "POOR PERFORMERS"; LIBERALIZE PROMOTION RULES; AND DEVELOP NEW MEASURES FOR PERFORMANCE MANAGEMENT.

IN CONTINUING THEIR OVERSIGHT RESPONSIBILITIES, MEMBERS OF CONGRESS, WORKING CLOSELY WITH APPROPRIATE LOCAL OFFICIALS AND THE CONTROL BOARD, SHOULD REVIEW AND REVISE ALL CIVIL SERVICE LAWS , RULES AND REGULATIONS, IDENTIFY AND CHANGE OR ELIMINATE THOSE THAT UNDERMINE MANAGERIAL FLEXIBILITY AND ACCOUNTABILITY OR THE PRIMACY OF PERFORMANCE AS A PERSONNEL MANAGEMENT PRINCIPLE.

IT IS WORTH REPEATING THE OBVIOUS: THE POLICE, REQUIRED TO EXERCISE DISCRETIONARY AUTHORITY BY THE VERY NATURE OF THEIR POSITION, ARE NOT, AND CANNOT BE, RISK-AVERSE BUREAUCRATS; TO BE EFFECTIVE, ESPECIALLY ON THE STREET AND IN PURSUIT OF CRIMINAL INVESTIGATIONS, THE POLICE NEED INDIVIDUALS WITH AN ENTREPRENEURIAL SPIRIT; THOSE WHO, WHILE ABIDING BY THE RULES AND PROTECTING THE CONSTITUTIONAL RIGHTS OF AMERICANS CITIZENS, CAN THINK CREATIVELY AND EMPLOY INNOVATIVE TECHNIQUES IN CONTROLLING CRIME AND APPREHENDING CRIMINALS.

6. CIVILIANIZE AND PRIVATIZE SUPPORT AND ADMINISTRATIVE FUNCTIONS WHEREVER POSSIBLE. ACCORDING TO THE PRELIMINARY FINDINGS EMBODIED IN THE "MEMORANDUM OF UNDERSTANDING", LESS THAN 10 PERCENT OF WASHINGTON D.C. POLICE OFFICERS HAVE BEEN ASSIGNED TO SCOUT CARS; AND TWO THIRDS OF D.C. POLICE OFFICERS MADE 10 OR FEWER ARRESTS, AND HALF OF THESE OFFICERS MADE NO ARRESTS AT ALL. UNDER CHIEF SOULSBY'S NEW LEADERSHIP, AS SPECIFIED IN THE MEMORANDUM OF UNDERSTANDING, NEARLY 400 POLICE OFFICERS IN THE DISTRICT ARE TO BE REDEPLOYED TO PREVENT AND CONTROL CRIME.

AS PART OF THEIR OVERSIGHT RESPONSIBILITIES, MEMBERS OF CONGRESS SHOULD ASSIST LOCAL OFFICIALS IN MAKING SURE THAT D.C. POLICE OFFICERS GET THE BEST

POSSIBLE ADMINISTRATIVE SUPPORT. IN TURN, THE POLICE SHOULD BE ON THE STREET MAINTAINING ORDER AND CONDUCTING INVESTIGATIONS, NOT WRESTLING WITH UNNECESSARY PAPERWORK OR MAINTAINING AUTOMOBILES.

7. TAKE ADVANTAGE OF ADVANCED INFORMATION TECHNOLOGY TO MEASURE POLICE PERFORMANCE IN CONTROLLING CRIME. ONE OF THE SALIENT FINDINGS EMBODIED IN THE "MEMORANDUM OF UNDERSTANDING" IS THAT THE METROPOLITAN POLICE DEPARTMENT HAS BEEN BURDENED WITH "UNCOORDINATED RESPONSES" TO THE PROBLEM OF CRIME AND THAT THERE WERE "NO PERFORMANCE MANAGEMENT/PROCESSES" IN PLACE .

ONE OF THE KEY LESSONS FROM NEW YORK CITY'S EXAMPLE, AS FORMER COMMISSIONER BRATTON HAS NOTED, IS TO MAKE POLICE COMMANDERS AT THE PRECINCT LEVEL ACCOUNTABLE. A KEY TOOL IS COMPUTER TRACKING OF CRIME TO TARGET HOT SPOTS AND MEASURE POLICE EFFECTIVENESS IN THE COMMUNITY. AND LOCAL OFFICIALS SHOULD HOOK UP TERMINALS TO POLICE CRUISERS AND FACILITATE BOTH POLICE REPORTS AND RECORD KEEPING.

8. STOP REVOLVING DOOR JUSTICE. ACCORDING TO THE "MEMORANDUM OF UNDERSTANDING", THE UNITED STATES ATTORNEY AND THE D.C. SUPERIOR COURT HAVE AGREED TO INITIATE SPECIFIC PROGRAMS TO STOP THE "REVOLVING DOOR" FOR REPEAT OFFENDERS. MOREOVER, THE D.C. SUPERIOR COURT WILL "WORK MORE CLOSELY WITH THE MPD TO ENFORCE PROBATION RESTRICTIONS."

RESEARCH SHOWS THAT APPROXIMATELY 6 PERCENT OF THE MALE POPULATION IS RESPONSIBLE FOR MORE THAN HALF OF ALL SERIOUS CRIME. MANY OF THESE PEOPLE ARE REPEAT OFFENDERS OR SERIOUS HABITUAL OFFENDERS WITH MULTIPLE ARRESTS.

MANY ARE ON PAROLE OR PROBATION. THE MEDIA IS SATURATED WITH TRAGIC STORIES OF REVOLVING DOOR JUSTICE, WHERE A RECENTLY RECELEASED FELON ROBS, RAPES OR KILLS YET ANOTHER VICTIM. THE POLICE ,IN PARTICULAR, KNOW MORE ABOUT THIS ANY OTHER GROUP IN AMERICAN SOCIETY SAVE THE STRICKEN FAMILIES OF VIOLENT CRIME VICTIMS; FÖR BETWEEN 1988 AND 1992 ONE FIFTH OF ALL PERSONS ARRESTED FOR KILLING A POLICE OFFICER WERE ON PROBATION OR PAROLE AT THE TIME OF THE OFFENSE.

ON A RELATED NOTE: MEMBERS OF THE UNITED STATES SENATE CAN SCRUTINIZE FEDERAL JUDICIAL CANDIDATES FOR THEIR SENSITIVITY TO PUBLIC SAFETY. THE AMERICAN PUBLIC, ACCORDING TO THE SURVEY DATA, HAVE OVERALL A RELATIVELY HIGH DEGREE OF CONFIDENCE IN THE POLICE. THEY HAVE A LOW LEVEL OF CONFIDENCE IN THE CRIMINAL JUSTICE SYSTEM. THIS IS A SERIOUS PROBLEM. BUT IT CAN BE FIXED.

9. PAY THE POLICE FOR THE JOB THEY DO. ACCORDING TO THE "MEMORANDUM OF UNDERSTANDING", THE D.C. POLICE ARE PAID LESS THAN POLICE OFFICERS IN SURROUNDING JURISDICTIONS AND TWO THIRDS OF THEM HAVE A SECOND JOB.

BEYOND THE IMMEDIATE TASK OF REVIEWING AND RAISING COMPENSATION AND SALARIES OF THE POLICE, THERE IS A BROADER QUESTION FOR LOCAL AND CONGRESSIONAL OFFICIALS: DO THE PUBLIC OFFICIALS WHO HAVE RESPONSIBILITY FOR GOVERNING THE CAPITAL OF THE UNITED STATES WANT TO MAKE THE METROPOLITAN POLICE DEPARTMENT A DESIRABLE MIDDLE CLASS OCCUPATION ? ONE THING IS

CERTAIN: BARGAIN BASEMENT WAGES FOR POLICE OFFICERS ALWAYS TURN OUT TO BE TOO EXPENSIVE.

10. CELEBRATE THE PROFESSIONAL ACHIEVMENTS OF OUTSTANDING POLICE OFFICERS. ONCE A YEAR, WITHOUT FAIL, THE LEADERSHIP OF THE COUNTRY AND THIS CITY - INCLUDING THE PRESIDENT, THE LEADERSHIP OF CONGRESS , MEMBERS OF THE WASHINGTON PRESS CORPS, REPRESENTATIVES OF BOTH BUSINESS AND LABOR -- SHOULD HONOR THE OUTSTANDING POLICE OFFICERS OF THE NATION'S CAPITAL IN A PUBLIC CEREMONY. IT SHOULD BE ACCOMPANIED BY A BANQUET AND BALL. IT IS NOT ENOUGH FOR PUBLIC OFFICIALS TO TALK ABOUT HOW MUCH THEY APPRECIATE THE DEDICATION OF OUR POLICE OFFICERS. AMERICA'S LEADERSHIP SHOULD SHOW IT; AND, IN EVERY LOCAL COMMUNITY IN THE COUNTRY, IT SHOULD BE REPLICATED. IT SHOULD BECOME NOTHING LESS THAN AN OUTSTANDING SOCIAL EVENT OF THE SEASON.

THE POLICE, IN THE FINAL ANALYSIS, ARE THE ROMANTIC HEROES IN THE OLDEST WAR OF THE WORLD. THEY ARE, AS THE GREAT ENGLISH WRITER G.K. CHESTERTON NOTED, "THE UNSLEEPING SENTINELS" OF CIVILIZATION ITSELF. AND THAT IS HOW ALL AMERICANS SHOULD START TO THINK ABOUT THEM, ESPECIALLY IN THE CAPITAL OF THE AMERICAN REPUBLIC.

THANK YOU.

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**United States Senate
Senate Committee on Governmental Affairs
Subcommittee on Oversight of Government Management, Restructuring, and the
District of Columbia**

“Fighting Crime and Violence in the District of Columbia”

**Testimony of Stephen Wallis
April 30, 1997
Washington, DC**

A discussion of any community's concern regarding crime and violence is complete only to the extent that it has also examined its system for educating its young.... in short, the condition of its schools. My focus these last few years has been on an area I believe to be at the root of many public school woes, from poor test scores and drop-out rates to low teacher morale and shoddy student attendance rates. It is the utter lack of civility that is all too evident in our schools nationally, behavior that daily undercuts any attempt to address academic achievement.

My public school administrative peers across the country, including school system headquarters staff, as well as teachers' unions will take umbrage at such criticism. However, hard truths are truths nonetheless, as I have learned over a number of years as an in-the-trenches public school administrator.

When they met last spring for the “Education Summit II,” the nation's governors and several prominent corporate executives hoped to light a fire under American education. It needs it. Our education system still receives poor marks in the areas of high school completion, reading achievement, and mathematics achievement at 12th grade. Reading achievement in the 12th grade is particularly bad, and worse, America fails miserably in its response to alcohol and drug abuse and distribution on school grounds.

Too many of America's public school teachers must perform under combat conditions. Worse, teachers too often have little support from local boards of education or school administrators. Yet, despite the barrage of disrespectful behavior on the part of unruly students and the lack of action from school authorities, these teachers more often than not make heroic efforts to educate America's youth.

State and local legislators can take a strong hand in reforming public education through school choice, charter schools, and other measures designed to increase accountability to parents and students; legislators also can play a vital role by restoring discipline, civility, and a traditional level of popular literacy.

Student disruption—frequently violent—is pervasive and too often tolerated in public schools, not at all confined to inner-city schools alone.

Certainly, the District of Columbia is no exception in this regard, sadly played out with frightening regularity in too many of its middle and high schools and, most recently, in its elementary schools. While urban, suburban, and rural school administrators continue to fret for more funds, money is the wrong focus. The most pivotal reason for this country's lackluster educational performance continues to revolve around the utter lack of civility that is all too evident in our schools, behavior that daily undercuts any attempt to address academic achievement. We can no longer assert the need to “set rigorous standards” and then ignore the very reason why this is unachievable. The number of classroom disruptions interfering with teaching, and the number of threats/injuries to teachers and students, grow exponentially.

Pervasive disrespectful, disruptive, violent behavior is the single most deleterious obstacle to learning, and it is also the obstacle public school administrators and local boards of education most frequently fail to recognize, much less to address. Only when this is acknowledged--and followed up with strong policies for eradicating disorder from the classroom--can we talk seriously about raising student achievement throughout the country.

Many teachers say that they barely teach two-thirds of the course content that they once were able to do a few years ago because so much time is spent managing behavior in the classroom. Successful students, too, argue that their earned accomplishments come about in spite of the rampant disrespectful behavior by peers evidenced daily in classrooms, auditoriums, gymnasiums, and corridors. Spending millions of taxpayer dollars as we do annually on curriculum design, classroom technology, and so forth is pure folly when the way we operate schools is so seriously flawed.

There continues to be a kind of institutional intransigence that sees school officials and local boards of education laboring under a philosophy that has been espoused for 25 years and that results in schools' tolerating disruptive, incorrigible behavior. Given what is still standard operating procedure in the nation's schools, it continues to be no surprise that youngsters exit the average public high school lacking the most fundamental skills. Among the most popular undergraduate courses currently taken at the college and university level are remedial mathematics and writing. We are fast losing a generation of kids because of the timidity exhibited by too many school officials--officials lacking the fortitude to rid schools of the kind of poor behavior that steals dignity from school staff and other students.

Substantive teaching and learning occur only in an atmosphere that contributes to study and concentration in a consistent fashion. Students for whom there is no social stigma in abdicating personal responsibility and behaving poorly need to be restrained; and even though the country should not give up on these students, neither should they remain in schools and poison the atmosphere for those who want to learn, want to succeed, and want to get involved in the total school program.

Considering the failure of too many schools to deal with disruptive student behavior, state legislators and local officials should enact measures to ensure discipline, civilized behavior, and school accountability in educating the young. Specifically:

- * **Use** breathalyzer tests to combat alcohol use on school grounds.
- * **Establish** procedures for greater parental involvement in schools and make parents directly accountable for their disruptive students. **Remove** disruptive boys or girls from the classroom and establish special programs for habitually disruptive students.
- * **Establish** clear and unambiguous codes of school discipline and make sure that school administrators enforce them.
- * **Hire** adequate security personnel to protect schools. Employ those whose experience, training, and education are in law enforcement or security.
- * **Employ** retired military personnel for classroom teaching positions and to assist school administrators with programs for errant youths.

Beyond these specific recommendations, state lawmakers and local school boards should exercise stronger oversight over the public schools with a view to making sure they are safe. In particular, they should make sure that schools are properly staffed, with adjustments in personnel to deal with schools where violence and breaches of discipline are a problem; that administrators do not attempt to pad statistics or hide the extent of school violence and disruption; and that the extent of these disruptions is reported accurately. State legislators, in particular, can exercise the power of

the purse to enforce discipline in public schools in which it has broken down. One possible remedy is to cut off state funding to local districts that refuse to establish a clear and consistent disciplinary policy requiring expulsion of students who bring guns to school or demonstrate a repeated propensity for disruptive and violent behavior.

High school attendance is involuntary in every state of the Union, so taxpayers have a right to expect state and local officials to do their duty and give their children a safe environment in which to learn. Teachers have a right to teach, and students have a right to learn, free from violence, harassment, gutter language, and other verbal abuse and disruption. For poor parents and students who are practically denied a choice of educational options, making it more difficult for them to escape failing and violent schools, the obligations of state and local officials take on an even greater urgency.

Successful students of every ethnicity argue that their earned accomplishments come about in spite of the rampant disrespectful behavior by peers evidenced in classrooms, auditoriums, gymnasiums, and school corridors. The vast majority of students are well-mannered, caring, and involved in school activities. But the fact remains that American schools continue to "graduate" a deplorably high number of young people who are personally unaccountable, have no sense of who they are, and genuinely feel that the world somehow owes them a living. Ironically, too many administrators and educators reinforce negative attitudes and traits, promoting social irresponsibility among their students through weak to nonexistent disciplinary policies, minimal expectations, and tolerance of bad behavior.

Public schools need the attention of public authorities, and local officials should insist on clear, tough, and consistent disciplinary procedures if student behavior--and academic achievement--are to improve. Four principles must characterize such actions:

1. Disruptive and violent behavior receives **ZERO TOLERANCE**.
2. Discipline is even-handed, regardless of ethnicity, gender, or socio-economic background.
3. Substantive discipline is a kindness that contributes to personal growth and freedom.
4. There must be a return to the appropriate mission of schools, refocusing efforts on teaching youngsters to read, to compute, to write, to speak, and to think critically.

Additional Measures:

- * Encourage parental involvement via use of "Parent contracts."
- * Establish community service for those students on suspension (gaining understanding of compassion, respect, humility, and responsibility).
- * Establish school "time-out" rooms with a paraprofessional and community agency staff to work with the disruptive, if only temporarily.
- * Establish "transitional schools" for the habitually disruptive student. Additionally, parents of these students would bear a portion of the cost of such placement (or be expected to volunteer time to the schools, if finances were strained).
- * Establish "afternoon auxiliary centers," with supervised open classrooms and gymnasiums after the regular school day for those students wishing additional academic assistance or participation in cultural and extracurricular activities.
- * Insist that school officials review--and rewrite, if necessary--student discipline codes with a view to including the input of parents, teachers, students, local police, and health departments.
- * Make "character education" a part of the curriculum.
- * Adopt the use of breathalyzer-type devices to curb alcohol and drug use.

- * Hire retired military staff, a resource of talent and training, for school positions.
- * Ensure that adequate security personnel are in schools and on school grounds.
- * Ensure that high schools employ reading specialists.
- * Legislators to cut funds to those school districts tolerating disruption.
- * Legislators should examine school staffing and assign according to community-specific "at-risk" needs, departing from the rigid formula that assigns staff on the basis of student numbers.

There is a continuing active role for legislators, parents, employers, and communities in this effort to work with schools and, in the process, move our children to world-class standards. It must be recognized, however, that disrespectful behavior and disruption steals learning and smothers instruction, and in the process, pilfers the honor, potential, and future from all students.

When we look at improving the education of this country's children, we might begin by improving the conditions under which too many American public school teachers asked to work and teach. They remain heroes richly deserving the attention and support that local officials and legislators have the opportunity to give.

Thank you for the time and effort given to this country's children and their families.

TESTIMONY BEFORE THE UNITED STATES SENATE
COMMITTEE ON GOVERNMENTAL AFFAIRS
SUBCOMMITTEE ON OVERSIGHT OF
GOVERNMENT MANAGEMENT, RESTRUCTURING AND
THE DISTRICT OF COLUMBIA

By the Honorable Carol Schwartz
D.C. Councilmember, At-Large
Council of the District of Columbia

April 30, 1997

I WOULD LIKE TO THANK THE SENATE SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA FOR THE OPPORTUNITY TO TESTIFY TODAY CONCERNING STRATEGIES FOR FIGHTING CRIME AND VIOLENCE IN THE DISTRICT OF COLUMBIA. I SPEAK TO YOU TODAY AS AN ELECTED AT-LARGE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA. ALTHOUGH THE COUNCIL IS DOING MUCH IN THE AREA OF FIGHTING CRIME AND VIOLENCE, WHICH I HOPE YOU WILL ASK ME ABOUT, I AM GOING TO CONCENTRATE MY REMARKS ON THE DEATH PENALTY AS IT RELATES TO LAW ENFORCEMENT OFFICERS.

FIRST, LET ME BEGIN BY STATING THAT I BELIEVE THAT LOCAL CRIMINAL LAW SHOULD BE AN AREA IN WHICH LOCAL COMMUNITIES OUGHT TO HAVE THE RIGHT TO MAKE THEIR OWN DECISIONS. MY COLLEAGUES ON THE COUNCIL AND I WHOLEHEARTEDLY AGREE ON THIS ISSUE, AND HAVE NOT YET SIGNED ON TO THE PRESIDENT'S PLAN FOR THE DISTRICT BECAUSE OF OUR CONCERNS IN THIS AREA.

THE 38 STATES THAT HAVE ENACTED DEATH PENALTIES INTO THEIR CRIMINAL LAW HAVE DONE SO BASED UPON LOCAL CONSIDERATIONS AND CIRCUMSTANCES. THERE ARE 12 STATES THAT, LIKE THE DISTRICT OF COLUMBIA, HAVE NOT ENACTED A DEATH PENALTY STATUTE. YET, THE UNITED STATES CONGRESS HAS NOT INTERVENED TO IMPOSE DEATH PENALTY LEGISLATION IN ANY ONE OF THOSE STATES. I THINK IT IS SAFE TO SAY THAT SUCH AN INTRUSION INTO THE LOCAL AFFAIRS OF THOSE 12 STATES WOULD BE UNTHINKABLE -- TO THE CITIZENS OF THOSE STATES AND TO THE MEMBERS OF CONGRESS WHO REPRESENT THEM. SHOULDN'T

WE ALL BELIEVE AS PRESIDENT ABRAHAM LINCOLN DID THAT "THOSE WHO DENY FREEDOM TO OTHERS DESERVE IT NOT FOR THEMSELVES."

MEMBERS OF THE SUBCOMMITTEE, I RESPECTFULLY ASK YOU TO CONSIDER THAT THE AMERICAN CITIZENS WHO ARE MY CONSTITUENTS IN THE DISTRICT OF COLUMBIA ARE LIKE YOUR CONSTITUENTS. ALL OF OUR CONSTITUENTS POSSESS THE RIGHT AS CITIZENS OF A DEMOCRATIC SOCIETY TO DETERMINE THEIR OWN LOCAL GOVERNMENTAL AFFAIRS LOCALLY. JUST BECAUSE THE CONGRESS HAS THE CONSTITUTIONAL AUTHORITY TO ENACT LEGISLATION FOR THE DISTRICT DOES NOT MEAN THEY MUST EXERCISE IT.

WHILE I PERSONALLY SUPPORT THE DEATH PENALTY, I BELIEVE THAT THE DISTRICT OF COLUMBIA SHOULD BE FREE NOT TO ENACT SUCH A LAW IF THAT IS THE WILL OF THE PEOPLE. THAT IS THE ESSENCE OF DEMOCRACY. THE AUTHOR ERIC HOFFER ONCE SAID THAT "THE BASIC TEST OF FREEDOM IS PERHAPS LESS IN WHAT WE ARE FREE TO DO THAN IN WHAT WE ARE FREE NOT TO DO." I AGREE WITH THIS STATEMENT.

I RECENTLY RETURNED FROM CROATIA, WHERE I WAS PRIVILEGED TO BE A MEMBER OF THE UNITED STATES DELEGATION THAT OBSERVED THE ELECTIONS THERE. IT IS A POWERFUL EXPERIENCE TO WITNESS A PEOPLE DETERMINING THEIR DESTINY THROUGH THE VOTE. THE UNITED STATES GOVERNMENT SUPPORTS DEMOCRACY IN CROATIA AND THROUGHOUT THE WORLD. THE U.S. SUPPORT FOR DEMOCRACY WORLDWIDE CONTRASTS STARKLY WITH HOW THE DISTRICT OF COLUMBIA IS ROUTINELY TREATED BY ITS OWN FEDERAL GOVERNMENT. THIS CONTRADICTION MAKES ME THINK OF THE WORDS OF NEWS COMMENTATOR EDWARD R. MURROW'S OBSERVATION THAT "WE CANNOT DEFEND FREEDOM ABROAD BY DESERTING IT AT HOME."

I SUPPORT THE DEATH PENALTY FOR THOSE WHO ARE CONVICTED OF MURDERING LAW ENFORCEMENT OFFICERS. I FIRMLY BELIEVE THAT OUR LOCAL LAW ENFORCEMENT OFFICERS IN THE DISTRICT OF COLUMBIA SHOULD HAVE THE SAME PROTECTIONS AS OTHER LAW ENFORCEMENT OFFICERS WHO OPERATE IN THE DISTRICT, SUCH AS THE CAPITOL POLICE, PARK POLICE, UNIFORMED SENATE SERVICE, THE SECRET SERVICE, AND OTHERS.

THE DEATH PENALTY BILL THAT THE MAYOR AND I ANNOUNCED ON APRIL 21, 1997 IS D.C. BILL 12-204, THE "LAW ENFORCEMENT OFFICER PROTECTION AMENDMENT ACT OF 1997". THAT BILL WOULD PROVIDE FOR THE DEATH PENALTY IN CASES OF MURDER OF D.C. LAW ENFORCEMENT OFFICERS.

I SUPPORT D.C. BILL 12-204 BECAUSE I BELIEVE THAT IT IS CRITICALLY IMPORTANT FOR THE PEOPLE OF THE DISTRICT OF COLUMBIA TO HAVE AN OPPORTUNITY THAT IS LOCALLY INITIATED TO WEIGH IN THROUGH THE LEGISLATIVE PROCESS ON THIS SERIOUS AND HIGHLY COMPLEX CRIMINAL PENALTY.

AS YOU MAY RECALL, DISTRICT VOTERS SOUNDLY REJECTED A 1992 CONGRESSIONALLY MANDATED INITIATIVE ON THE DEATH PENALTY BY A MARGIN OF 2 TO 1. I KNOW FOR A FACT THAT MANY OF THE "NO" VOTES WERE TO CONGRESSIONAL INTERFERENCE, AND NOT TO THE DEATH PENALTY.

THE BILL RECENTLY PROPOSED BY THE MAYOR AND MYSELF WILL PERMIT DISTRICT OF COLUMBIA CITIZENS TO EXPRESS THEIR VIEWS ON THE DEATH PENALTY FOR THE MURDER OF LAW ENFORCEMENT OFFICERS, WITHOUT BEING REQUIRED THIS TIME TO SIMULTANEOUSLY REGISTER THEIR VIEWS ON THE ISSUE OF CONGRESSIONAL INTERFERENCE IN DISTRICT AFFAIRS, BUT ONLY IF SENATOR HUTCHISON WITHDRAWS HER BILL, YOU DEEP SIX IT, OR YOU VOTE IT DOWN.

I BELIEVE THAT THE WILL OF THE PEOPLE OF THE DISTRICT OF COLUMBIA SHOULD PREVAIL ON THIS ISSUE, WHATEVER THAT MAY MEAN FOR THE MAYOR'S AND MY BILL. I AM CONFIDENT THAT THE CONGRESS OF THESE DEMOCRATIC UNITED STATES WILL RESPECT THE DEMOCRATIC RIGHTS OF THE OVER HALF A MILLION AMERICAN CITIZENS WHO MAKE THEIR HOMES AND DUTIFULLY PAY THEIR FEDERAL INCOME TAXES HERE IN THE DISTRICT OF COLUMBIA.

TESTIMONY OF REVEREND H. BEECHER HICKS, JR., ON SENATE BILL 294,
DISTRICT OF COLUMBIA POLICE PROTECTION ACT

I am H. Beecher Hicks, Jr., Minister of Metropolitan Baptist Church in the District of Columbia. Ordinarily I would say that I am happy to testify before the Senate Oversight of Government Management, Restructuring and the District of Columbia Subcommittee, but I am not. I am truly saddened by the events which make this testimony necessary and, at the same time, I am unalterably opposed to **Senate Bill 294** for a number of reasons which shall shortly be apparent.

Let it be clear that I share the broken heart of the entire community because of the recent death of three District of Columbia police officers and the suffering and pain it has caused their families. More to the point, I am extremely sympathetic to the family and friends of anyone who is slain. The nature of my ministry causes me to be in a caring relationship with all who know the anguish of unredemptive grief. Even within that context, however, my position against the death penalty is a long-standing one, a position which I trust will be taken seriously in this significant body.

In 1992 Congress tried to impose the death penalty on the District of Columbia. With the late D. C. City Council Chairman Dave Clarke, the Reverend Al Gallmon and I organized area ministers against the manufacturers of semi-automatic weapons. Our group was responsible for the "Thou shalt not kill" posters that were visible

throughout the District. Five years ago we mounted this campaign with the help of other groups, and by an overwhelming majority imposed economic consequences upon the manufacturers of the weapons of death that caused blood to run in the streets of our city.

It is a strange and curious circumstance which leads to a discussion the death penalty before this subcommittee of the United States Senate. It is also a strange and curious philosophy which posits that by killing killers we shall stop killing, that one act of savagery justifies the next.

The reasons for my opposition to the death penalty are as old as the Mosaic Torah and are the same in the instance of the death of a police officer or a private citizen. The same injunction which was placed throughout this community in 1992 is the same injunction which must be given today: **"Thou shalt not kill."**

This entire discussion fails to take into account the culture of violence which has given rise to a segment of our population which has no value for life. While three police officers have regrettably lost their lives, and while it is at least politically expedient for some to suggest that police are being deliberately targeted for death, it is also true that similarly innocent persons in the larger populace have lost their lives through drive-by shootings, gangland-style murders, and acts of domestic violence which have literally caused blood to run in the sewers of this city. Is one death more important than the next? I think not. We must respond most forcefully to those conditions which occasion

this irrational thought and behavior: joblessness, homelessness, hopelessness and a whole myriad of social diseases which affect this community and so many others throughout this land.

I am opposed to the death penalty because of the frailty of our humanity. All of us are fallible, none of us more perfect than the other. We do not have a perfect criminal justice system. We have only to remember cases of prisoners being released after years of incarceration because of DNA tests that prove them innocent. The recent allegations of tampering with evidence by criminal justice authorities makes it difficult if not impossible to place total faith in a system operated by mere mortals and therefore subject to critical flaw. Capital punishment leaves no margin for error, its consequences are mortally severe.

You are aware of the typical arguments against capital punishment:

- ▶ There is no credible evidence that the death penalty deters crime.
- ▶ States that have death penalty laws do not have lower crime rates or murder rates than states without such laws.
- ▶ States that have abolished capital punishment, or instituted it, show no significant changes in either crime or murder rates.

Like it or not, in reality such laws will do nothing to protect citizens or communities from the acts of dangerous criminals.

The issue at hand, however, is far more compelling and

enticing. All reasonable persons would argue for the most elaborate protection of those who protect us. Nevertheless, for death penalty laws specifically imposed for the murder of a police officer, there is no evidence that police officers are murdered at any less a rate than states that do not have that law. In fact, according to the *National Law Enforcement Officers' Memorial Fund*, Texas ranked 4th in the nation in 1996 in the number of police officers killed; 2nd in 1995; and 3rd in 1994. According to *Law Enforcement News*, prior to the statistics above, from 1988 through 1993, Texas ranked number one in police killings. Therefore, if the death penalty for police officers did deter these murders, the statistics for Texas, the great state of Senator Hutchison, would be a less striking phenomenon.

The unvarnished truth of the criminal justice system in America reveals that the death penalty has a disparate impact on African Americans. Since the revival of the death penalty in the mid-1970's, about half of those on death row at any given time are of African-American descent. During 1996, of the 3200 prisoners on death row, 40% were black. These statistics are compiled nationwide where African Americans are approximately 12% of the population. It is not that people of color commit more murders; it is that they are more often sentenced to death when they do.

Poor people are also far more likely to be death-sentenced than those who can afford the high costs of private investigators,

psychiatrists and expert criminal lawyers to be used in their defense. Some observers have pointed out that the term "capital punishment" is ironic because "only those without capital get the punishment."

All of Western Europe has abolished the death penalty either in law or practice. In Great Britain, it was abolished (except for treason) in 1971; France abolished it in 1981; Canada in 1976. By mid-1995 eighteen countries had ratified the Sixth Protocol to the European Convention on Human Rights outlawing the death penalty in peacetime.

Nations generally known for their disregard for the human rights of their citizens: China, Iran and the former Soviet Union all have capital punishment. We should be ashamed to be linked with these governments, no matter how compelling our motive.

I personally oppose the death penalty. I am here today because I believe that the residents of the District of Columbia have an inalienable right to make that decision for themselves. Only those who are elected and accountable to the citizens of the District of Columbia have the moral imperative to make decisions which are so abhorrent and so dire.

That we face a crisis there is no doubt. In this time of crisis we must seize the opportunity to be both sane and civil. Let there be no equivocation in my position: Thou Shalt Not Kill!



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U.S. SENATOR PAUL STRAUSS
DISTRICT OF COLUMBIA (SHADOW)

STATEMENT OF SENATOR PAUL STRAUSS
SHADOW UNITED STATES SENATOR ELECTED BY THE VOTERS OF THE
DISTRICT OF COLUMBIA
BEFORE
THE UNITED STATES SENATE
SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING
AND THE DISTRICT OF COLUMBIA
ON
FIGHTING CRIME AND VIOLENCE IN THE DISTRICT OF COLUMBIA:
CAPITAL PUNISHMENT AS A DETERRENT

2:00 p.m. - Wednesday, April 30, 1997
Room 342 Dirksen Senate Office Building

CHAIRMAN BROWNBACK, AND MEMBERS OF THE SENATE SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA, I AM PAUL STRAUSS, THE SHADOW UNITED STATES SENATOR ELECTED BY THE VOTERS OF THE DISTRICT OF COLUMBIA, AND AN ATTORNEY WHO PRACTICES IN OUR LOCAL COURTS.

I APPRECIATE THE OPPORTUNITY TO PROVIDE THIS STATEMENT ON BEHALF OF MY CONSTITUENTS IN THE DISTRICT OF COLUMBIA. THE ISSUE BEFORE YOUR COMMITTEE IS TWO-FOLD IN NATURE. THE FIRST ISSUE IS WHETHER OR NOT THE DISTRICT OF COLUMBIA WILL JOIN THE 38 STATES THAT PRESENTLY HAVE THE DEATH PENALTY, OR WILL REMAIN IN THE COMPANY OF THE 12 STATES THAT HAVE MADE THE CHOICE NOT TO IMPOSE DEATH AS A ROUTINE PART OF THEIR CRIMINAL JUSTICE SYSTEM. THE SECOND ISSUE, OF EQUAL IMPORTANCE, IS THAT IF THIS DECISION IS TO BE MADE, BY WHOM AND IN WHAT MANNER WILL IT BE DECIDED.

THE DECISION TO PERMIT THE STATE THE OPPORTUNITY TO TAKE A HUMAN LIFE, EVEN AFTER DUE PROCESS OF LAW, IS A CONTROVERSIAL ONE WITH PROFOUND MORAL IMPLICATIONS. THEOLOGICAL SCHOLARS, LEGAL EXPERTS, PERSONS OF CONSCIENCE FROM ALL WALKS OF LIFE DISAGREE ON THE MORALITY OF LEGALIZED HOMICIDE AS A PERMISSIBLE PUNISHMENT IN A THEORETICALLY ETHICAL SOCIETY. THE STATES OF ALASKA, HAWAII, IOWA, MAINE, MASSACHUSETTS, MICHIGAN, MINNESOTA, NORTH DAKOTA, RHODE ISLAND, VERMONT, WEST VIRGINIA AND WISCONSIN HAVE MADE THE DECISION THAT THEY WILL NOT USE CAPITAL PUNISHMENT. MY CONSTITUENTS IN THE DISTRICT OF COLUMBIA HAVE MADE THAT DECISION AS WELL. THE ISSUE BEFORE YOU TODAY IS THAT UNLIKE THE CITIZENS OF THOSE DOZEN STATES, WHETHER MY CONSTITUENTS IN D.C. CAN CONTINUE TO MAKE THIS DECISION FOR THEMSELVES AS A COMMUNITY.

IN 1992 AT THE INSISTENCE OF A MEMBER OF THIS BODY, ALABAMA SENATOR RICHARD SHELBY, D.C. VOTERS WERE FORCED TO VOTE ON WHETHER OR NOT TO CHANGE THEIR LAWS AND IMPOSE THE DEATH PENALTY HERE IN WASHINGTON, D.C. THE VOTERS REJECTED THIS DECISION BY MORE THAN A 2 TO 1 MARGIN, (67% AGAINST, VS. 33% IN FAVOR).

TODAY THE ISSUE IS UNDER DEBATE AGAIN. ALL OF WASHINGTON STILL MOURNS FOR THE LOSS OF POLICE OFFICER BRIAN GIBSON. I GRIEVED AT HIS FUNERAL AND DROVE MY CAR IN THE MOTORCADE PROCESSION THAT WENT THROUGH ALL NEIGHBORHOODS OF THIS COMMUNITY.

WE STILL MOURN THE LOSS OF OFFICER OLIVER W. SMITH Jr., WHO WORKED THE SECOND POLICE DISTRICT AREA THAT INCLUDES MY HOME, EVEN THOUGH HE DIED TRAGICALLY IN MARYLAND, A STATE THAT ALREADY HAS THE DEATH PENALTY.

EVEN BEFORE THE MURDER OF OFFICER ROBERT L. JOHNSON, Jr. OUR MAYOR JOINED WITH THE REPUBLICAN D.C. COUNCILMEMBER WHO YOU HEARD FROM TODAY TO ANNOUNCE HE HAS CHANGED HIS MIND ON THIS CONTROVERSIAL MORAL ISSUE. YOU ARE AWARE THAT THE DEMOCRATICALLY ELECTED COUNCIL OF THE DISTRICT OF COLUMBIA HAS BEFORE IT AT THIS VERY MOMENT, A BILL REINSTATE THE DEATH PENALTY HERE IN THE DISTRICT OF COLUMBIA FOR THOSE WHO MURDER POLICE OFFICERS.

I URGE YOU TO LET THAT DEBATE MOVE FORWARD IN OUR COMMUNITY WITHOUT INTERFERENCE BY THE UNITED STATES SENATE. A BODY THAT PRESENTLY DENIES D.C. VOTING REPRESENTATION. WE ARE MOVED BY THE TRAGIC LOSSES OF OUR BELOVED POLICE OFFICERS. WE ARE FRIGHTENED BY THE PUBLIC SAFETY CRISIS THAT GRIPS THE DISTRICT OF COLUMBIA. WE ARE SEARCHING OUR CONSCIENCES FOR THE RIGHT DECISION ON THIS MORAL DILEMMA.

DO NOT POLLUTE THIS DIALOGUE WITH THE CLEARLY IMMORAL DECISION TO IGNORE THE WISHES OF THE AMERICAN CITIZENS WHO LIVE IN THEIR NATION'S CAPITAL. THE FACT THAT OUR MAYOR HAS CHANGED HIS PERSONAL POSITION ON THE MATTER AND NOW SUPPORTS CAPITAL PUNISHMENT FOR THOSE CONVICTED OF MURDERING POLICE OFFICERS IS AN INDICATION OF JUST HOW SINCERE THE RE-EXAMINATION OF THE D.C. COMMUNITY'S POSITION IS ON THIS CRITICAL ISSUE.

LET ME BE CLEAR, I DO NOT TELL YOU TODAY TO MERELY STEP ASIDE BECAUSE THE D.C. COUNCIL'S PASSAGE OF THE DEATH PENALTY BILL IS IMMINENT. I DO NOT BELIEVE THIS IS JUST A SIMPLE MATTER OF GOOD FORM BY LETTING THE LOCALS DO IT INSTEAD OF CONGRESS.

I VOTED AGAINST THE DEATH PENALTY IN 1992. MY MORAL BELIEF SYSTEM REQUIRES ME TO OPPOSE THIS LOCAL LEGISLATION, AS MUCH AS I RECOGNIZE THE RIGHT OF THE PEOPLE I ELECT TO SUPPORT IT IF THEY CHOOSE.

I REMAIN PERSONALLY CONVINCED THAT DESPITE THE PUBLIC CONVERSION OF MY MAYOR, MY CONSTITUENTS STILL OPPOSE THE DEATH PENALTY. THEY STILL UNDERSTAND THAT IT IS NOT AND NEVER HAS BEEN A DETERRENT TO VIOLENT CRIME. THEY ARE AWARE OF THE FACT IS THAT WHEN COMPARISONS ARE MADE BETWEEN STATES WITH THE DEATH PENALTY AND STATES WITHOUT IT, THE MAJORITY OF DEATH PENALTY STATES SHOW HOMICIDE RATES WHICH ARE SIGNIFICANTLY HIGHER THAN NON-DEATH PENALTY STATES.

THE DISTRICT OF COLUMBIA'S PREDOMINATELY AFRICAN-AMERICAN POPULATION IS AWARE THAT THE DEATH PENALTY HAS NEVER BEEN APPLIED WITH ANY DEGREE OF RACIAL EQUITY. THAT ALTHOUGH ONLY 50% OF HOMICIDE VICTIMS ARE WHITE, OVER 80% OF THE VICTIMS IN DEATH

PENALTY CASES ARE WHITE.

WE ALSO UNDERSTAND THAT IN THESE DAYS OF FINANCIAL CRISIS, D.C. CAN NOT AFFORD TO SPEND THE \$2.3 MILLION DOLLARS THAT IT COSTS TEXAS TO TYPICALLY EXECUTE SOMEONE, OR THE ESTIMATED AVERAGE OF \$3.2 MILLION PER PRISONER SPENT BY FLORIDA TO EXECUTE THE 18 PERSONS THEY EXECUTED FROM 1973 TO 1988.

MY VIEWPOINT MAY NOT PREVAIL IN THIS COMMUNITY DEBATE. MY CONSTITUENTS AND THEIR LOCAL ELECTED OFFICIALS MAY INDEED DECIDE THAT THE TIME HAS COME TO IMPOSE CAPITAL PUNISHMENT HERE IN THE DISTRICT OF COLUMBIA. IF THAT HAPPENS I WILL REGRET THAT DECISION, BUT I WILL RESPECT IT BECAUSE IT CAME FROM THE RIGHT SOURCE, THE ELECTED D.C. POLICY MAKERS.

I URGE YOU IN THE STRONGEST POSSIBLE TERMS TO LET THIS LOCAL PROCESS GO FORWARD. DO NOT MAKE THIS DECISION FOR THE PEOPLE OF WASHINGTON, D.C. IF IT IS THE U.S. SENATE THAT IMPOSES CAPITAL PUNISHMENT ON THE DISTRICT OF COLUMBIA, THEN YOU WILL BE PUNISHING THE CAPITAL IN A WAY IT DOES NOT DESERVE. PLEASE DO NOT LET SENATOR HUTCHISON'S BILL GO FORWARD. DO NOT MAKE THIS DECISION FOR US. LET THE PEOPLE OF THE DISTRICT OF COLUMBIA MAKE THIS TOUGH CHOICE FOR THEMSELVES. ON BEHALF OF THE PEOPLE OF THE DISTRICT OF COLUMBIA I THANK YOU FOR THE OPPORTUNITY TO MAKE THESE COMMENTS.



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TESTIMONY OF
 SENATOR FLORENCE HOWARD PENDLETON
 OF THE DISTRICT OF COLUMBIA ON CRIME IN
 WASHINGTON, D.C.

FOR THE SUB-COMMITTEE ON GOVERNMENT
 MANAGEMENT, RESTRUCTURING & THE DISTRICT OF
 COLUMBIA IN THE UNITED STATES SENATE

April 30, 1997

Good afternoon Senator Brownback, and other members of the United States Senate Sub-Committee on Government Management, Restructuring & The District of Columbia. As the duly elected United States Senator for Statehood for the District of Columbia, it is indeed my pleasure and privilege to provide information as to how the majority citizens of the District of Columbia feel about crime in District and the use of the death penalty.

It was just four years ago, that the citizens of DC went to the polls and rejected a death penalty proposal by an overwhelming margin. All agree that many crimes are reprehensible and deserving of severe punishment, but many also believe that the state should not take the lives of its citizens. Such is the opinion of the District. While I respect the views of proponents of the death penalty, the people of the District have spoken. Imposing laws on people which they find repugnant, will only diminish their respect for law --the opposite of what we all seek.

Research data from the Death Penalty Information Center show that death penalty states usually have a higher murder rate than their neighboring non-death penalty states.

I respectfully ask that the collective voice of the people of the District of Columbia be respected. On their behalf, I ask that the death penalty proposal be rejected.

Thank you Senator, for allowing me to present these views to your Sub-Committee. ###